

Village of Hoosick Falls

**Local Waterfront Revitalization Strategy &
Comprehensive Plan**



September 2019

Hoosick Falls
Local Waterfront Revitalization Strategy & Comprehensive Plan
Village of Hoosick Falls, Rensselaer County, New York

September 2019

Prepared for
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BACKGROUND

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of New York State Executive Law) was enacted in 1981 by the New York State Legislature in order to execute the Coastal Management Program at the state level. With a partnership between local communities and the New York State Division of Coastal Resources, the program strives to protect natural coastal resources; advance economic development opportunities; and enhance waterfront opportunities and experiences. The Local Waterfront Revitalization Program (LWRP) is the comprehensive waterfront management planning process developed under the Act to allow local communities to prepare waterfront development objectives by adopting statewide policies to the individual circumstances of each community. Once the process is completed and approved by the New York State Secretary of State, the LWRP provides the Village of Hoosick Falls with the local controls necessary to guide waterfront development.



Figure 1 Hoosick River

This document constitutes a Local Waterfront Revitalization Strategy and Comprehensive Plan for the Village of Hoosick Falls. This “Strategy” is a component of an LWRP that contains analysis, community visioning, and recommended actions but lacks the waterfront and water-based policies and regulatory implementation that is part of a fully DOS-adoptable Local Waterfront Revitalization Program. It is recommended that the Village pursue this formal adoption in future phases.

Furthermore, this document will act as the Village of Hoosick Falls' first Comprehensive Plan and will act as a guide for land development regulations, planning and zoning board decision-making, and capital improvement planning for the Village Board of Trustees.

Public Participation

One of the most important elements of completing this LWRS was having an involved public participation process. When working with Hoosick Falls, it was imperative that the residents of the Village and the surrounding communities contributed their ideas and input in the Plan. Their involvement shaped the narrative and helped them accomplish the vision they had for their community. To have an involved public participation process, a Local Waterfront Revitalization Program Committee was established and held multiple meetings, there were also two Public Information Meetings, and one Visioning Workshop.

The meetings and workshop had an immense impact on the recommendations in this LWRS. Residents were able to provide community specific information that could be used to generate plausible recommendations. The Committee then reviewed the recommendations and provided further input on whether ideas should be pursued or re-worked. Summaries of the meetings and workshops can be found in *Appendix A*.

Benefits of Adopting a Full LWRP Approved by the Secretary of State



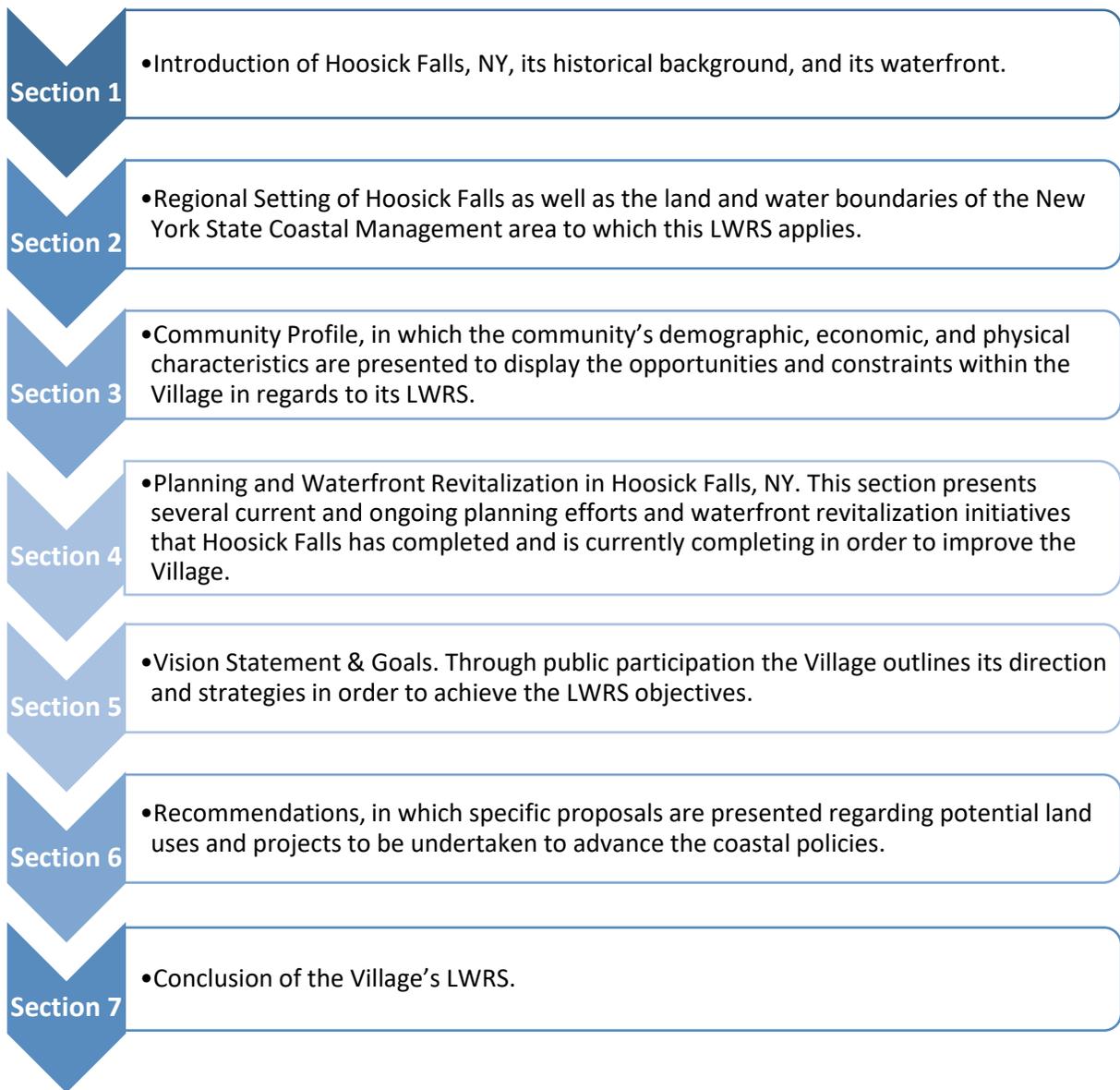
An LWRP reflects community consensus and provides a clear direction for appropriate future development. It establishes a long-term partnership among local government, community-based organizations, and the State. The Waterfront Revitalization Act also ensures 'consistency.' The process of the program allows the State an adequate opportunity to determine that the local program advances State coastal policies so that with State approval, the LWRP can act as a guide for State actions to ensure their consistency with the local program. Additionally, another benefit to the Village of Hoosick Falls is the financial assistance through the Department of State Coastal Management Program. Once the Program is approved, grants are available on a competitive basis for research, studies, design development, and other necessary activities which serve to implement the various projects identified in the Program.

Organization of the LWRS

The organization of a document is often best explained by first understanding the objectives and aspirations of the project. The overall goals of the Village of Hoosick Falls LWRS Strategy are as follows:

- Establish a vision for the community focused on riverfront revitalization and resiliency that will act as a Comprehensive Plan for the Village
- Develop a list of project recommendations in support of this vision
- Prepare the Village to carry the recommendations of the plan forward including future implementation of a fully Department-of-State-adoptable LWRP

To fulfill these goals, the planning process and assembly of the LWRS strategy document took the form of the following sections:



SECTION 1.

INTRODUCTION

As part of the Village of Hoosick Falls' long term revitalization strategy, the Village has undertaken a Local Waterfront Revitalization Strategy (LWRS) in order to establish a unified vision for the community and spur redevelopment. The Village recognizes the importance of its Hoosic River and the value of having a guide to the development and conservation of the historic waterway. This LWRS has been a result of a culmination of public meetings in which a vision, goals, and recommended actions were established in order to make a comprehensive plan centered on environmental, recreational, and economic relationships to the river.

As the Village evolves, the community is looking toward continued enhancements of its waterfront areas and the surrounding land use and aesthetics. An LWRS will position the Village to have guidance over the future use of the river and the value that it offers to the community. This project provides the Village with the opportunity to fortify its commitment to sustainable development and to attract potential riverfront investors. It also provides opportunities for inter-governmental cooperation and private/public partnerships that will help achieve the objectives of the LWRS.



Figure 2 Welcome sign in the Village of Hoosick Falls

1.1 Community Background

The Village of Hoosick Falls has experienced the typical throes of a rust belt city. During the 19th century, the Village was a center of industry leveraging power from the Hoosic River and capitalizing on transportation opportunities provided by railroads. The Hoosac Tunnel, in nearby North Adams, Massachusetts, enabled an east-west railway to cut through the mountain ranges of western New England and through Hoosick Falls. Its location on a main east-west railroad line through New York State and New England allowed the Walter A. Wood Mowing and Reaping Machine Company to become the world's manufacturing center for reapers, binders, and farm machinery from 1853 to 1924. At its peak, the company employed 2,000 workers and produced more than one million farm machines.

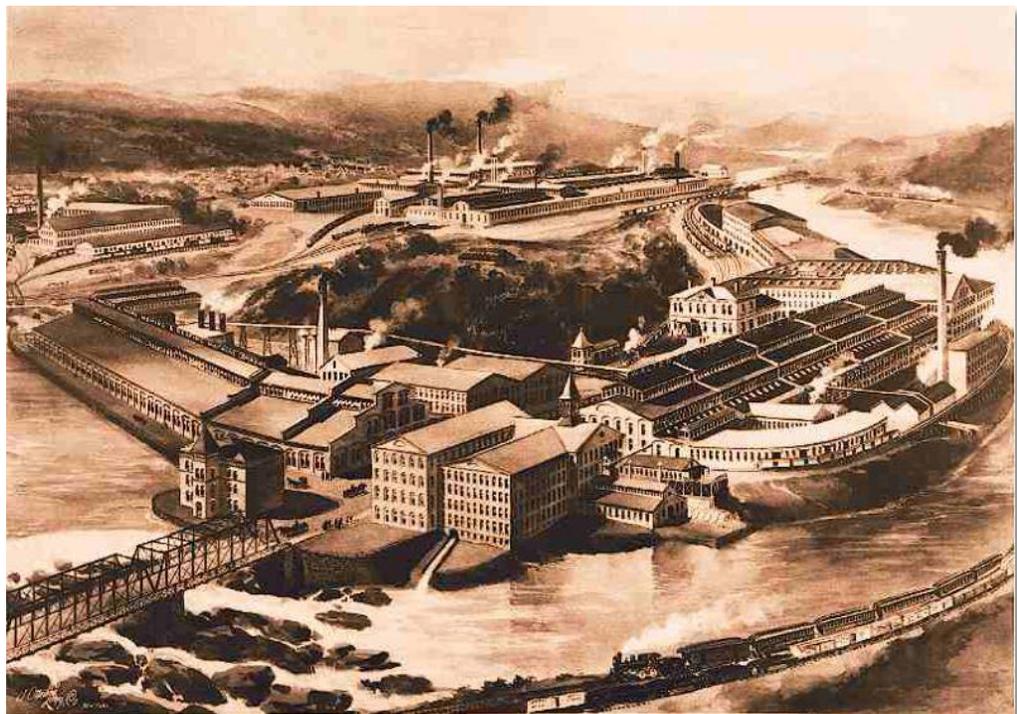


Figure 3 Walter A. Wood Mowing & Reaping Machine Company

With the gradual migration of the U.S. population and industrial economy to the south and west, Hoosick Falls' population growth lingered and its economy shifted towards service based firms and away from the manufacturing industries that were the pillars of the Village. While performance plastics and other industries still remain today, the Village is largely a bedroom community where residents appreciate the small town atmosphere, but work elsewhere in the Albany-Schenectady-Troy metropolitan statistical area (MSA).

1.2 Hoosick Falls Waterfront

Due to the importance that the Hoosic River had to manufacturing, there are numerous abandoned and former manufacturing facilities and warehouses situated along the River. Environmental issues associated with the abandoned building structures along the River poses a health hazard to the nearby residents and have curtailed interest to purchase and redevelop the properties.

However, such properties and facilities offer the opportunity to grow recreational amenities and encourage waterfront commercial investment geared for the 21st century. Rehabilitating and reusing the facilities as well as expanding waterfront access aligns with the mission of the LWRS which includes enhancing the physical and visual public waterfront access opportunities, protecting the community's industrial character, and improving river-related tourism.

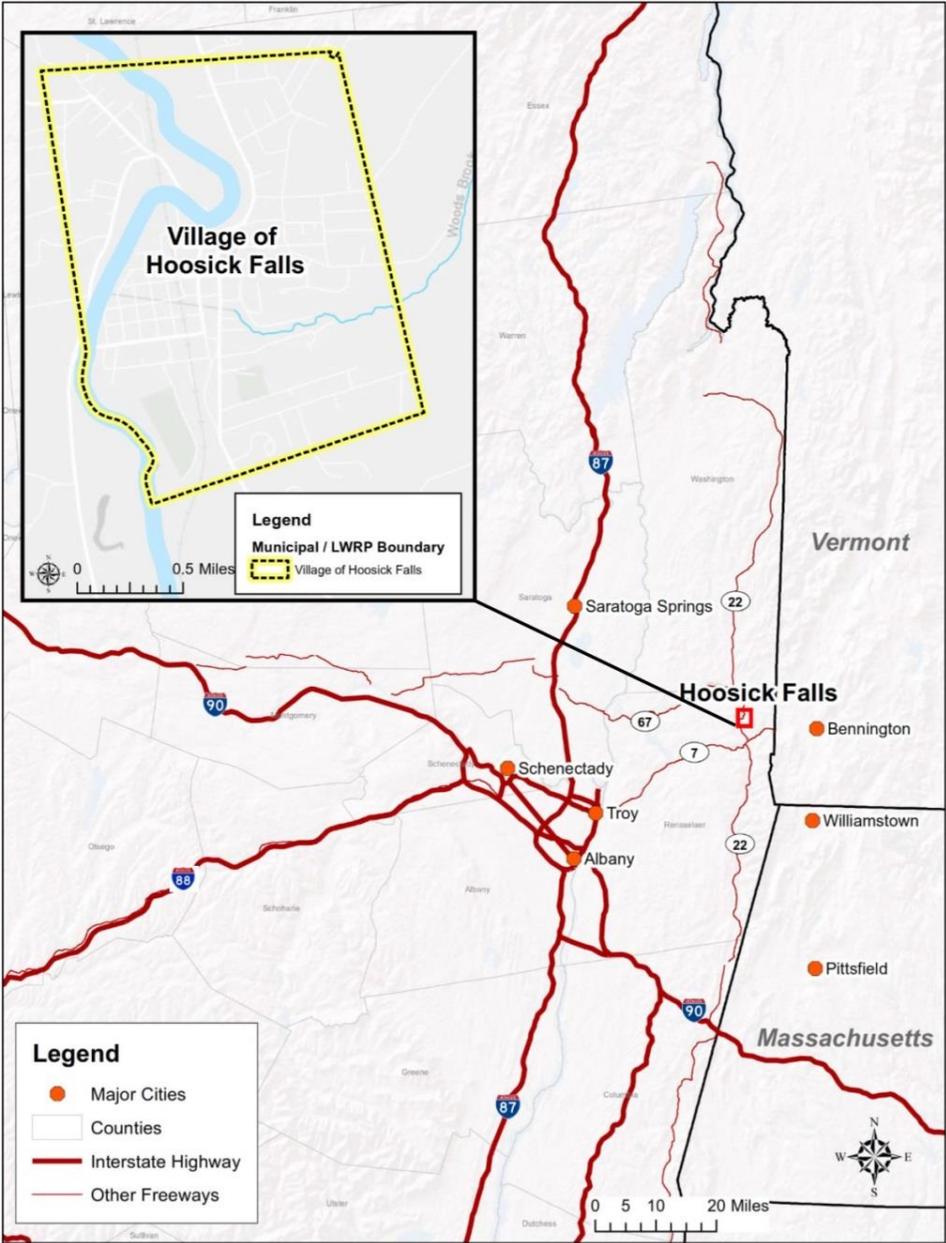
The LWRS also builds upon previous planning waterfront revitalization initiatives. The previous planning initiatives include the *2003 New York Parking and Pedestrian Project*, the *2006 Envisioning Hoosick Falls*, the *2013 Dissolution & Alternatives Study*, the *2015 Zoning Update*, and the *2017 Land Use Inventory*. The previous waterfront initiatives include the *Waterworks Park Revitalization*, the *Woods Brook Flood Mitigation*, and various *Hoosic River Greenway* improvements. More details on these initiatives can be found in Section 4 this plan.

SECTION 2.

REGIONAL SETTING

2.1 Introduction

The State’s Coastal Management Program established statewide designated waterway boundaries in accordance with the requirements of the Coastal Zone Management Act of 1972 and the rules and regulations that were subsequently issued. The program determined the Hoosic River as a designated inland waterway and this plan has included the entire Village of Hoosick Falls as the land and water boundary.



Map 1 Proximity of Hoosick Falls to Population Centers

2.2 Regional Context

The Village of Hoosick Falls is located in the Town of Hoosick, on the northeastern edge of Rensselaer County. The Village comprises 1.7 square miles, is surrounded by the Town on all borders, and makes up 50% of the Town's population. The Village is situated on both sides of the Hoosic River and is a commercial, cultural, and social center of a largely rural, agricultural area. It is served by County and State routes including NY Route 22 connecting north and south of the Village and NY Route 7 to points east and west. County Routes 101 and 95 also provide access to rural areas east and south of the Village center.

The Village is in close proximity to major cities and state borders (as depicted in Figure 3). It is less than ten (10) miles from the Vermont border, less than twenty (20) miles from the Massachusetts border, and less than an hour drive from Albany, the capital of New York State. Major employment centers within an hour drive can also be found in Troy, Schenectady, and Saratoga Springs, NY along with Pittsfield, MA and Bennington, VT – which is less than 20 minutes away.

In addition to being strategically located adjacent to a pair of state borders, the Village is also less than a four-hour drive to major cities such as New York City (180 miles), Boston (160 miles), Montreal (210 miles) and less than a three hour drive from major New York cities such as Syracuse (170 miles), and Utica (120 miles). Day trips for business or leisure can be made to each of these destinations.

2.3 Land and Water Boundaries

Due to the small size of the Village and the winding paths of the two waterways (Hoosic River and Woods Brook), it was determined that waterfront development considerations impacted the entire Village. Therefore, as illustrated in Figure 3, the LWRS boundary encompasses all 1.5 square miles of Village area, including the Hoosic River Greenway and all right of ways. This also includes 4.4 miles of shoreline on both sides of the Hoosic River.

Within the Village are 1410 individual parcels, 1,359 are privately owned while 51 are publicly owned. Many of the publicly owned parcels run along the Hoosic River. This enables the opportunity to incorporate access points and waterfront enhancements along the river. The private/public ownership map is included in Map 2.

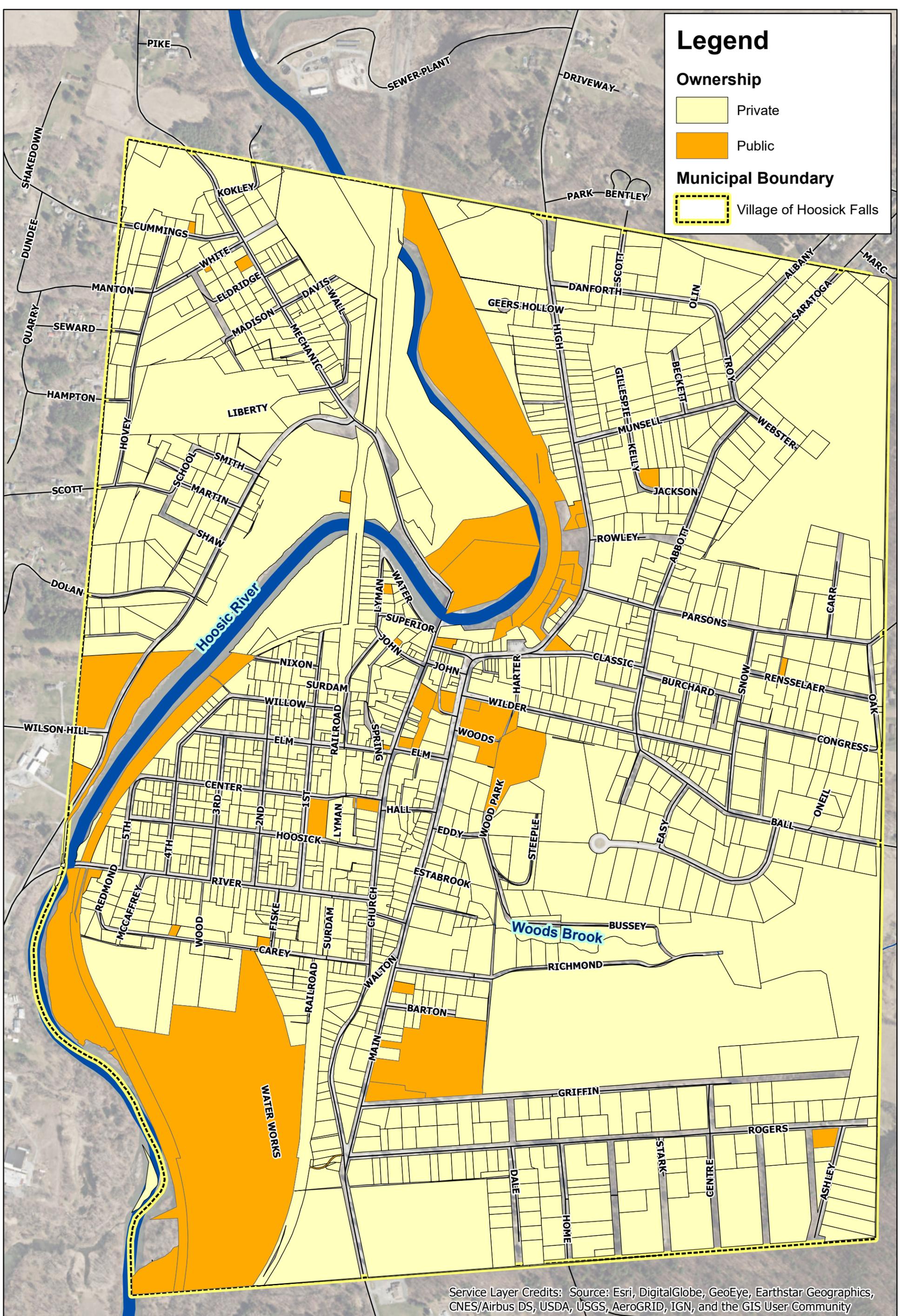
Legend

Ownership

- Private
- Public

Municipal Boundary

- Village of Hoosick Falls



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 inch = 600 feet

SECTION 3.

COMMUNITY PROFILE

3.1 Introduction

Planning for appropriate land use development within the waterfront program requires a clear understanding of a community’s demographic, economic, and physical characteristics. An analysis of demographic and economic characteristics will identify trends within the Village and how they compare to Rensselaer County and New York State. An inventory of the Village’s physical resources can reveal areas of inconsistent land use and zoning as well as areas of potential development or conservation. Analyzing these resources and characteristics will help identify a community’s strengths and weaknesses and will assist in future land use and waterfront policy recommendations.

This section provides a detailed analysis of the demographic changes and market trends that have taken place locally and regionally from 2010-2016.

Demographics include population (age and education) and household characteristics (age of housing stock, vacancies, housing tenure, and cost burden), while economic trends look at income, employment status, and industry. All data was obtained from *American Community Survey 2010 & 2016*.

It will be evident through this analysis that the Village of Hoosick Falls lags behind County and State benchmarks of societal well-being indicators. Specifically, these areas include education and income. The Village has also been experiencing issues with land use in regards to nonconforming uses. Identifying and analyzing these characteristics have influenced the recommendations in Section 6. As recommendations are implemented and accomplished it is of high importance to revisit and re-analyze the Village’s demographic, economic, and physical characteristics in order to maintain appropriate plans for the future.



Figure 4 Hoosick River looking northward from the Church Street Bridge.

3.2 Population

The Village of Hoosick Falls has historically had a declining population since the beginning of the 20th century due to the gradual migration of the U.S. population to the south and west, and the decline of its manufacturing industries which were the pillars of the Village’s economy. From 2010 to 2016, the Village’s population decreased 1.7% while the County’s has increased 0.8% and the State’s has increased 2.4%.

The number of households within the Village grew more than the population from 2010-2016 with an 11.7% increase, while the County’s grew 1.2% and the State’s grew 1.7%. These figures may be due to the prevalence of conversions from single family to multi-family homes. A decrease in population and an increase in households can be viewed as a negative attribute, but this trend can have a positive effect on housing affordability. Recognizing these trends and conditions and addressing them within an LWRS can position the Village promote diverse housing opportunities in Hoosick Falls as well as maintaining its position as a desirable place to live.

Table 1 Population and Households			
	Village of Hoosick Falls	Rensselaer County	New York State
Population (2016)	3,445	159,959	1,9697,457
% Change in Population (2010-2016)	-1.7%	0.8%	2.4%
Households (2016)	1,587	71,760	8,191,568
% Change in Households (2010-2016)	11.7%	1.2%	1.7%

Age - Although the overall population has been decreasing, age groups 35-49, 50-64, and 65-80 have been increasing. The populations under the age of 34 and the over the age of 80 have been decreasing. It is vital to the Village's longevity to retain the younger age groups, especially 20-34 year olds and provide appropriate housing for the aging population. Promoting affordable housing opportunities and a variety of employment opportunities through this LWRS will help accomplish this task.

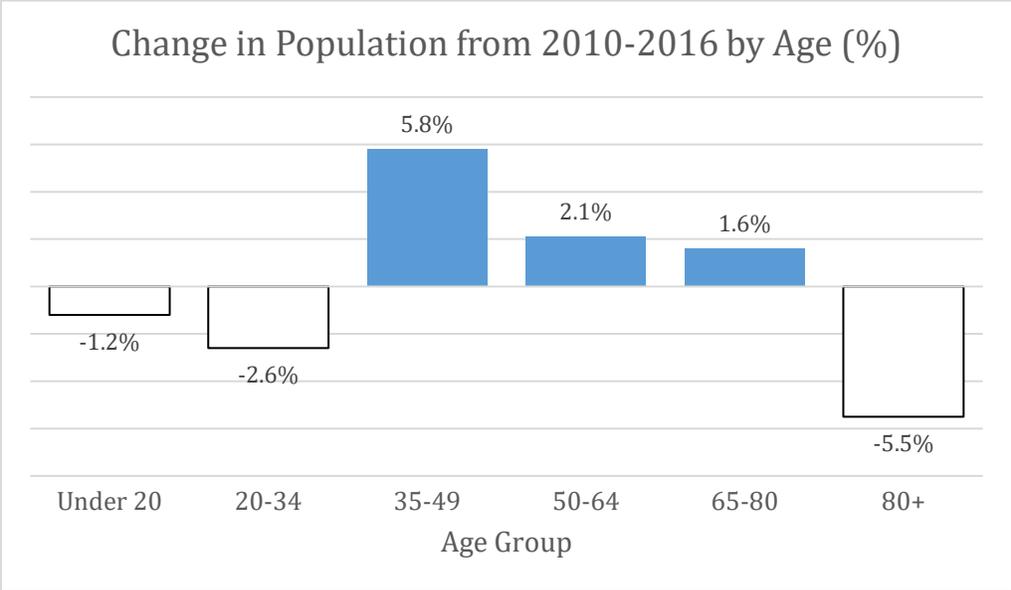


Figure 5 Change in Population - Village of Hoosick Falls

Education - The population with a high school degree is higher in Hoosick Falls compared to the County and State while the population with a bachelor’s degree is lower in Hoosick Falls and has been decreasing since 2010. This could be due to factors such as the increase of people in the manufacturing industry in the Village, as well as the decrease of people between the ages of 20-34. Hoosick Falls is in a region with many colleges and universities. Retaining and attracting a well-educated workforce is an important goal for the Village.

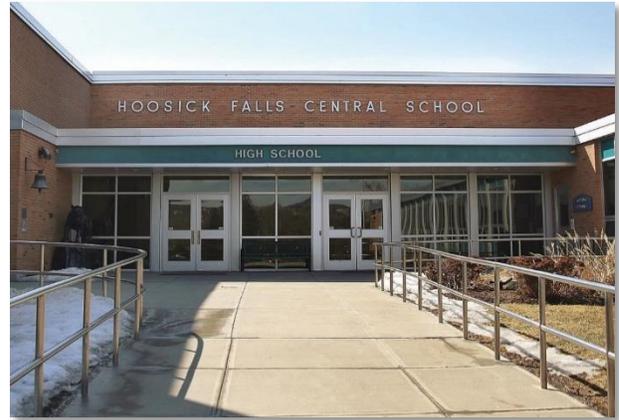


Figure 6 Hoosick Falls Central School

Table 2 Education				
		Village of Hoosick Falls	Rensselaer County	New York State
Population over 25 yrs - High School (HS) graduate or higher		93.5%	91.3%	85.9%
Population over 25 yrs - Bachelor's degree (BA) or higher		22.9%	29.3%	34.8%
% Change from (2010-2016)	HS	7.6%	2.1%	1.5%
	BA	-3.4%	2.6%	2.6%

3.3 Economy

The presence of income diversity within a community contributes to the overall stability and health of a community. This ability is linked, in part, to earnings and job security. This section will examine the income characteristics of the Village of Hoosick Falls between 2010 and 2016. These characteristics include household income, employment status, employment by industry, and poverty rate.

Income - Median household income in Hoosick Falls is lower than the County and State’s median household income, but the Village has seen a 25.6% increase in income since 2010. This significant increase could be due to the positive market trends as well as the increase of the 35-49 year old age group covered in the previous section. It may also be a reflection of the increased labor force and decreased unemployment rate which will be covered in the next section. Nonetheless, the Village’s median household income is on the upswing and can have a positive impact on the community’s revitalization.

Table 3 Income			
	Village of Hoosick Falls	Rensselaer County	New York State
Median Household Income (2016)	\$54,516	\$63,553	\$60,741
% Change in Income (2010-2016)	25.6%	0.1%	9.2%

Employment Status - Employment status figures cast a positive light on the economic climate of Hoosick Falls. There has been increased labor force participation and a slight reduction in the unemployment rate. In 2010, Hoosick Falls' unemployment rate of 7.4% was lower than the national average which was 9.6%. From 2010 to 2016 the Village's unemployment rate dropped to 5.1%, but in this case it was higher than the national average of 4.8%. Nonetheless, the Village's unemployment rate has been dropping and is between 4%-6%, a range which is considered 'healthy' by the U. S. Bureau of Labor Statistics.

Table 4 Employment Status		
EMPLOYMENT STATUS	2010	2016
In Labor Force	1,612	1,655
Employed	1,492	1,571
Unemployed	120	84
Not in Labor Forces	1,115	1,124
Unemployment Rate	7.4%	5.1%

Industry - More than a quarter of the Village of Hoosick Falls' labor force is employed in education, healthcare, or social assistance services. The percentage of the population engaged in that sector has stayed almost the same since 2010 while manufacturing, the next largest employment sector, has increased 5% since 2010 settling at 23% by 2016. The Village's high manufacturing industry numbers compared to the county reflect its history as a manufacturing community. Incorporating this attribute into the LWRS will help the Village maintain community character.



Figure 7 Interface Performance Materials, in the Clay Hill Neighborhood of Hoosick Falls

Table 5 Industry						
INDUSTRY BREAKDOWN	2010		2016		Rensselaer County 2016	
	Estimate	%	Estimate	%	Estimate	%
Civilian employed population 16 years and over	1492	-	1,571	-	80,239	-
Agriculture, forestry, fishing and hunting, and mining	0	0%	0	0%	416	0.5%
Construction	65	5%	15	1%	5,678	7.1%
Manufacturing	265	18%	355	23%	5,970	7.4%
Wholesale trade	0	-	34	2%	1,817	2.3%
Retail trade	180	12%	125	8%	8,383	10.4%
Transportation and warehousing, and utilities	57	4%	60	4%	4,087	5.1%
Information	20	1%	12	1%	1,513	1.9%
Finance and insurance, and real estate and rental and leasing	58	4%	29	2%	4,571	5.7%
Professional, scientific, and management, and administrative and waste management services	123	8%	87	6%	7,727	9.6%
Educational services, and health care and social assistance	508	34%	544	35%	21,694	27.0%
Arts, entertainment, and recreation, and accommodation and food services	98	7%	94	6%	6,207	7.7%
Other services, except public administration	24	2%	137	9%	3,487	4.3%
Public administration	94	6%	79	5%	8,689	10.8%

Poverty - The poverty rate in the Village of Hoosick Falls is higher and growing faster than that of the County and the State. Higher poverty levels can negatively impact the education of the youth due to the psychological stresses it can have on a student and their ability to perform well academically. Poor health is also associated with those who are living in poverty. A successful LWRS should improve the economic outlook of Hoosick Falls by showcasing the Village’s unique culture and history, and providing a boost to its economy.

Table 6 Poverty			
	Village of Hoosick Falls	Rensselaer County	New York State
Families below the Poverty Level, 2016	11.4%	8.4%	11.3%
Change in poverty 2010-2016	4.1%	-0.1%	0.5%

3.4 Households

Age of Housing Stock - Based on data in Table 7, the majority (61%) of Hoosick Falls’ housing stock was constructed prior to 1940. Throughout the 1800s & 1900s, factories were the main employers of residents in the Village and many multifamily lots were developed near the factories as lower income workforce housing. Today, these lots do not conform to the current zoning code in the Village and has caused multiple (192 instances) pre-existing nonconforming land use issues.

Updating the existing code would ensure compatibility for future development patterns and resolve issues associated with nonconforming uses. Updating zoning districts to allow 2-family dwellings and multi-family dwellings would resolve a majority of the nonconforming conflicts and be beneficial to future development that will result from this LWRS.

Table 7 Age of Housing Stock				
YEAR STRUCTURE BUILT	2010		2016	
	Estimate	Percent	Estimate	Percent
Total housing units	1,587	-	1,421	-
Built 2005 or later	19	1%	10	1%
Built 2000 to 2004	-	-	16	1%
Built 1990 to 1999	64	4%	45	3%
Built 1980 to 1989	78	5%	110	8%
Built 1970 to 1979	69	4%	61	4%
Built 1960 to 1969	213	14%	76	5%
Built 1950 to 1959	169	11%	143	10%
Built 1940 to 1949	14	1%	82	6%
Built 1939 or earlier	961	61%	878	62%

Tenure - Housing in the Village of Hoosick Falls consists of more homeowners than renters even with a recent down-tick in homeownership. The homeowner occupied rate fell by 30% from 2010 to 2016. Again, part of this can be due to homeowners converting their homes to multifamily units and renting out the units. Other explanations may be homeowners moving in order to downsize.

This type of trend has the potential to provide lower housing costs to younger age brackets that have been leaving Hoosick Falls. It can also have an impact on older age brackets, 80 years and up, who are interested in downsizing their living spaces.

Table 8 Housing Tenure				
HOUSING TENURE	2010		2016	
	Estimate	Percent	Estimate	Percent
Occupied housing units	1,421	-	1,278	-
Owner-occupied	1321	93%	805	63%
Renter-occupied	100	7%	473	37%

Cost Burden - The U.S. Department of Housing and Urban Development defines cost-burdened families as those who pay more than 30% of their income for housing. Families who are cost burdened may have trouble being able to afford everyday necessities such as food, clothing, transportation and medical care. As higher income households maintain high housing costs as a lifestyle choice, lower income households may find it difficult to meet their non-housing needs should rent/mortgage payments exceed 30% of household income.

Data in Table 9 and 10 show that housing affordability in the Village of Hoosick Falls is improving as of 2016. According to Table 9, the total number of households paying more than 30% of income on housing has decreased from 213 to 90 since 2010. According to Table 10, 28% of households in Rensselaer County pay more than 30% of household income toward their mortgage while in Hoosick Falls only 17% of households pay more than 30%. These figures reflect a positive trend in housing affordability when compared to Rensselaer County's data.

Table 9 Mortgage Payment as % of Household Income					
Mortgage Payment as % of Household Income for Hoosick Falls, 2010-2016	2010		2016		2010-2016
	Estimate	%	Estimate	%	Change in %
Less than 20.0 percent	236	39%	248	46%	7%
20.0 to 24.9 percent	114	19%	99	18%	-1%
25.0 to 29.9 percent	38	6%	102	19%	13%
30.0 to 34.9 percent	59	10%	8	2%	-9%
35.0 percent or more	164	27%	82	15%	-12%

Table 10 Mortgage Payment as % of Household Income				
Mortgage Payment as % of Household Income	Village of Hoosick Falls 2016		Rensselaer County 2016	
	Estimate	%	Estimate	%
Less than 20.0 percent	248	46%	11,981	44%
20.0 to 24.9 percent	99	18%	4,079	15%
25.0 to 29.9 percent	102	19%	3,558	13%
30.0 to 34.9 percent	8	2%	2,026	8%
35.0 percent or more	82	15%	5,544	20%

3.5 Land Use

This section provides an understanding of the existing land use in order to guide potential redevelopment scenarios for the Village of Hoosick Falls. Examining the current land use and zoning of the Village will also help identify areas in the code that need improvement or revisions. Ultimately, this section will guide how the LWRS fits into the Village's existing urban fabric and also what the Village can do to be better prepared for the program.

As previously mentioned in section 4.2.2 *Age of Housing Stock*, throughout the 1800s & 1900s factories were the main employers of residents in the Village. Most of the factories were in the center of the Village and along the Hoosic River. As a result, multifamily lots were developed as lower income workforce housing near the factories. Today, these lots do not conform to the current zoning code in the Village.

There are 192 instances of land uses conflicting with zoning districts in the Village of Hoosick Falls. 81% of the nonconforming land uses are due to 2-family and 3-family residential lots being prohibited in five (5) out of the Village's six (6) zoning districts. Since the boundary of the LWRS encompasses the entire Village, these zoning restrictions will have an impact on the program.

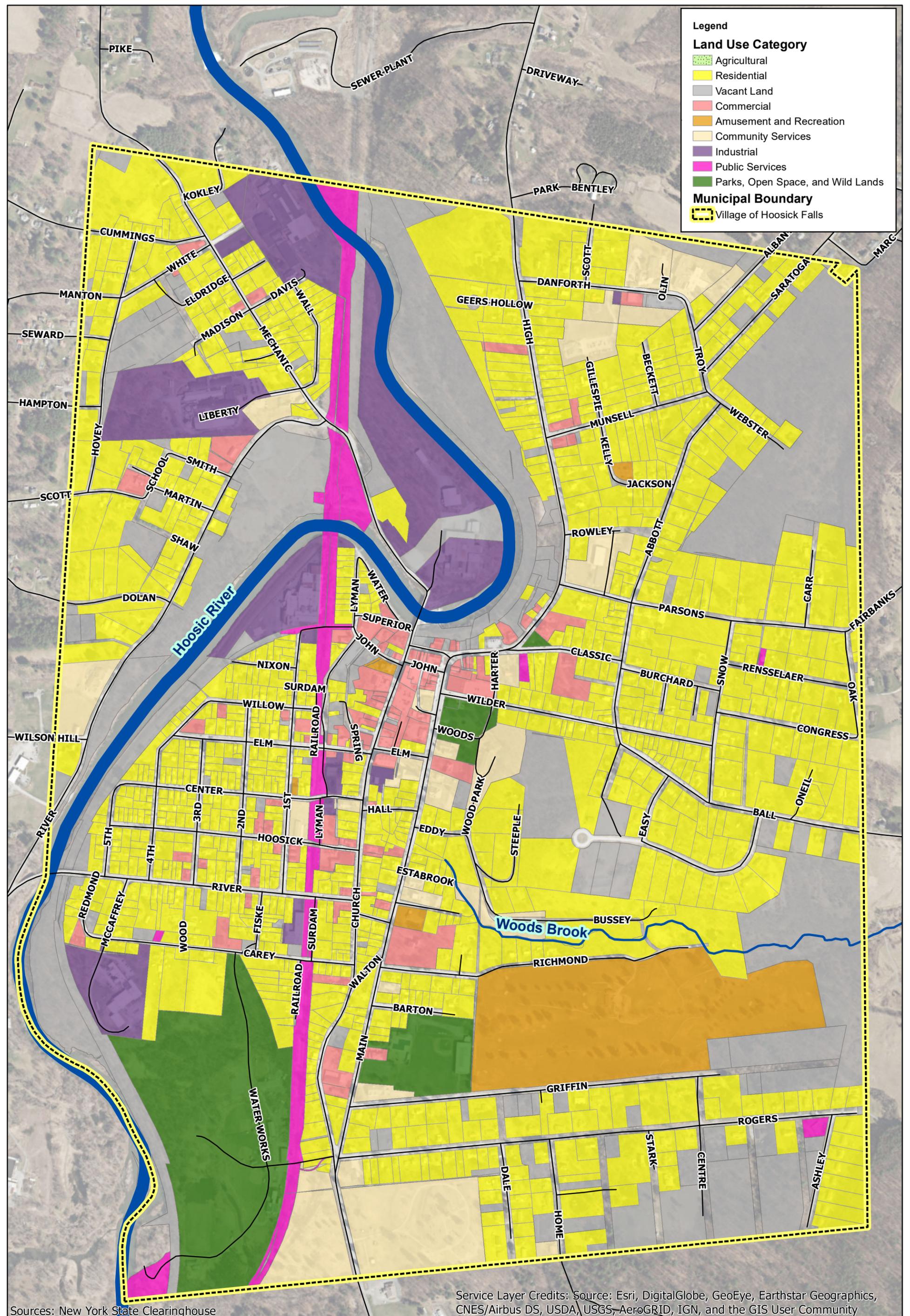
Updating the existing zoning map and text is recommended to ensure compatibility for future development patterns and resolve issues associated with nonconforming uses. Without having mechanisms in place to ensure proper standards, the converted properties become unsellable as banks will not finance them and thus they remain vacant, negatively impacting the property values of the neighborhood. In some cases, banks foreclose on these properties and cannot resell them leaving them as vacant "Zombie Properties." It is recommended that the Village's zoning districts be revised to reduce the prevalence of pre-existing nonconforming uses.

The following maps include the Village’s Land Use Map, Zoning Map, Nonconforming Map, Open Space, Recreational and Cultural Resources Map, Environmental Resources Map, and a Transportation Map.



Figure 8 “Zombie properties”, those in vacant, deteriorated small homes whose owners are behind on their mortgage payments in the midst of the foreclosure process, dot several neighborhoods in Hoosick Falls

Land Use Map – The vast majority of the parcels and acreage in the Village of Hoosick Falls is classified by the Rensselaer County Property Assessor’s Office as residential. This is common in villages. Commercial uses are clustered on Church, John, and Main Streets. Industrial uses are located along the Hoosic River which is also commonplace among riverside, mill-based communities in the northeastern United States. There is also a sizable percentage of land classified as vacant along the riverfront which will be advantageous for preserving the beauty of the Hoosic and for developing appropriate water-based amenities and supporting uses.



Sources: New York State Clearinghouse

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 inch = 600 feet

Village of Hoosick Falls
Land Use Map
 Rensselaer County September 2018 New York

Map 3
 Project No. 1677.008

3.6 Zoning

Existing zoning districts within the Village include: Residential 1, 2, and 3 (R-1, R-2, R-3), Downtown Commercial (DC), Commercial-Industrial (CI), and Industrial (I).

- R-1, R-2, R-3 have an identical use schedule in terms of permitted, conditional, and non-permitted uses. In general, R-1, R-2, R-3 allow one-family dwellings and prohibit two-family and multifamily dwellings. These districts differentiate from each other in the area and bulk schedule. The R-1 District has a minimum lot size of 10,000 sq. ft., R-2 has a minimum lot size of 6,000 sq. ft., and R-3 has a minimum lot size of 3,600 sq. ft.
- The DC District allows more dense residential development by permitting one-family, two-family, and multi-family dwellings. It is the only district that permits more than a one-family dwelling. It is also the only district that permits commercial uses such as a retail shops, restaurants (including fast food), bars, nightclubs, and theaters/concert halls. DC has the smallest minimum lot size permitted with 3,000 sq. ft.
- The CI and I Districts have an almost identical use schedule with the exception of supermarkets and shopping centers. CI permits supermarkets and shopping centers while they are not permitted in I. In terms of the districts area and bulk schedule, CI has a minimum lot size of 4,000 sq. ft. while I has a minimum lot size of 10,000 sq. ft.

Residential Districts 1, 2, and 3 (R-1, R-2, R-3) only permit single family dwellings by-right. This has caused 128 instances of 2-family residential lots conflicting with the zoning code in those districts. 84% of all the 2-family dwellings in the Village were built before 1930 and 93% of the 2-family dwelling conflicts are in R-2 and R-3 zoning districts. The R-2 and R-3 districts are in the older areas of the Village with a higher density of dwellings compared to the R-1 District. Updating the zoning code by permitting 2-family dwellings in appropriate residential districts would reduce nonconforming use conflicts and improve the property transaction and site plan review process.

29 out of the 33 land use conflicts in R-1 involve mobile homes. As previously mentioned, clarification in the definition of mobile homes and where they are permitted is recommended and would reduce the conflicts in the R-1 district. The Downtown Commercial (DC) district is the only district to allow 2-family and multi-family dwellings. The DC District is the only district to have zero (0) land use conflicts.

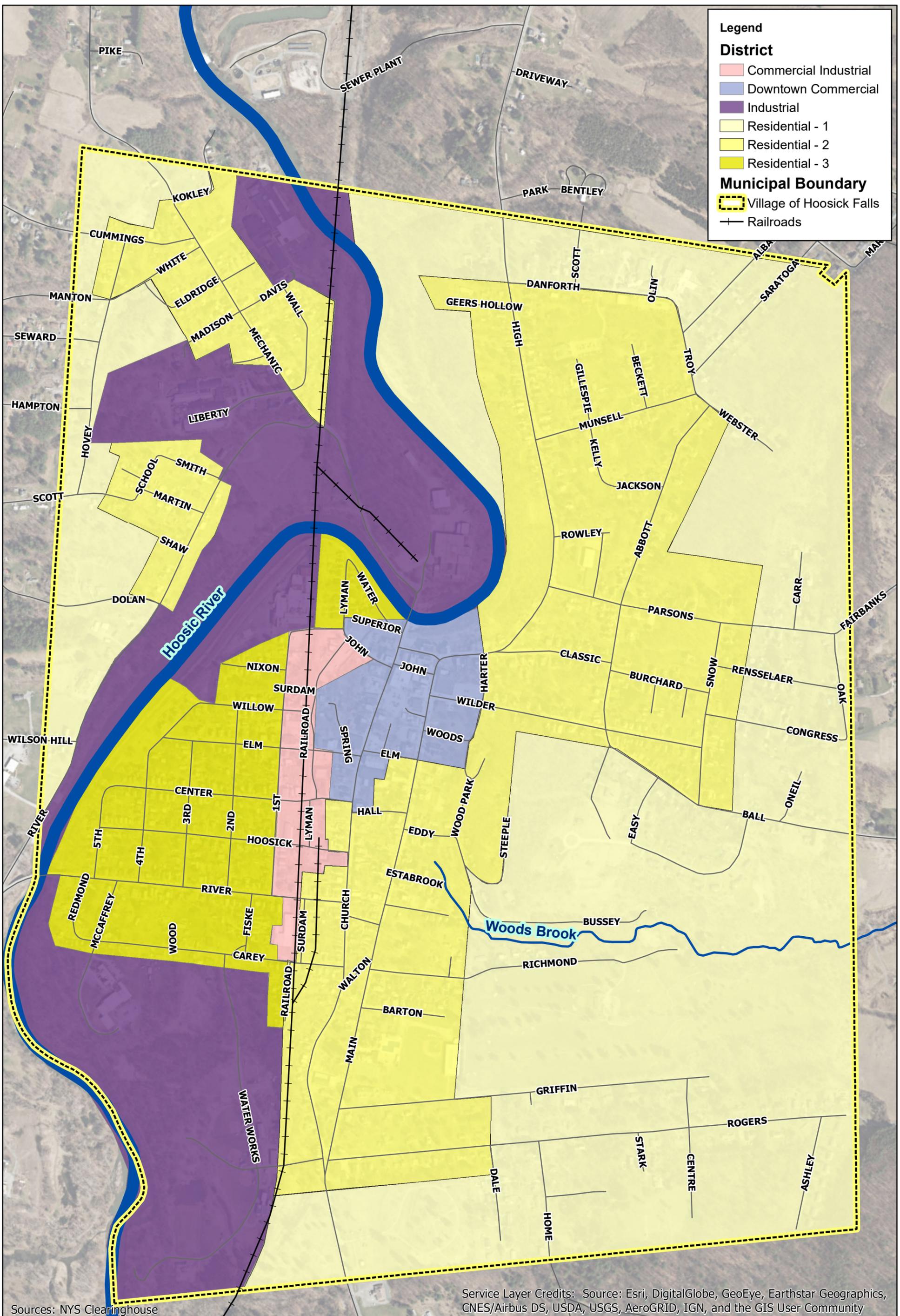
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District

- Commercial Industrial
- Downtown Commercial
- Industrial
- Residential - 1
- Residential - 2
- Residential - 3

Municipal Boundary

- Village of Hoosick Falls
- Railroads



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 inch = 600 feet

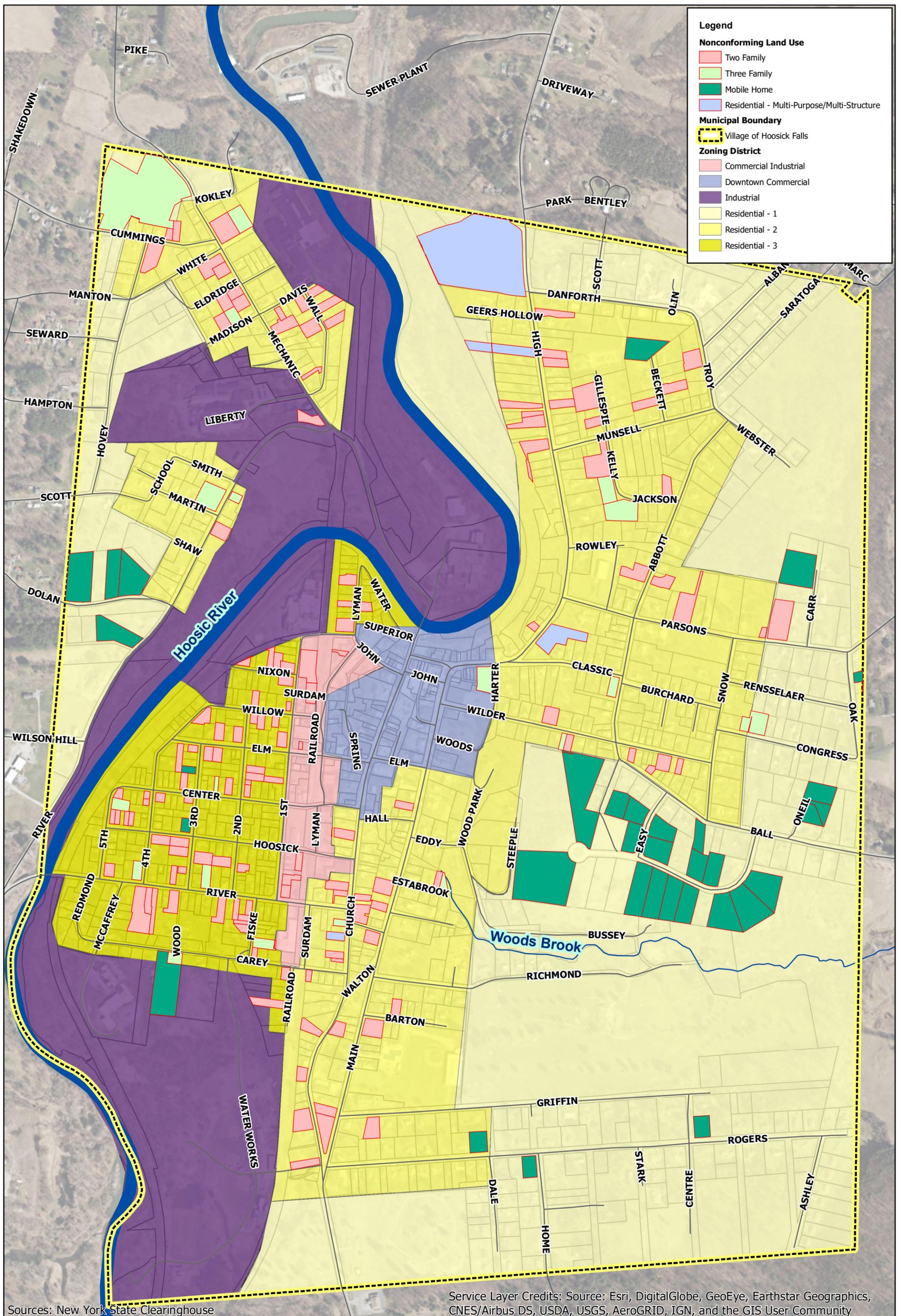
Nonconforming Map – The Nonconforming map displays the specific parcels that do not conform to the zoning district they fall within. As previously mentioned, there are 192 instances of land uses conflicting with zoning districts in the Village of Hoosick Falls. Zoning regulations may require updating to reduce the prevalence of pre-existing nonconforming uses.

The majority (71%) of the nonconforming land uses are due to 2-family residential lots being prohibited in five (5) out of the Village’s six (6) zoning districts. The next leading cause of land use conflicts (18%) are mobile homes. Mobile homes are not mentioned in the code as being permitted or prohibited. “Mobile Home Parks” are in the code and are allowed under conditional approval subject to the “Mobile Home Park Ordinance of the Village of Hoosick Falls.” Clarification in the definition of mobile homes and within which zoning districts they are permitted is recommended.

Without having mechanisms in place to ensure proper standards, the nonconforming properties become unsellable as banks will not finance them and thus they remain vacant, negatively impacting the property values of the neighborhood.



Figure 9 An example of a nonconforming structure in Hoosick Falls, where the structure does not conform to the zoning district it falls within.



Legend

Nonconforming Land Use

- Two Family
- Three Family
- Mobile Home
- Residential - Multi-Purpose/Multi-Structure

Municipal Boundary

- Village of Hoosick Falls

Zoning District

- Commercial Industrial
- Downtown Commercial
- Industrial
- Residential - 1
- Residential - 2
- Residential - 3

Sources: New York State Clearinghouse

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 inch = 600 feet

Village of Hoosick Falls

Nonconforming Properties

Rensselaer County October 2018 New York

Map 5

Project No. 1677.008

3.7 Cultural, Educational, and Emergency Resources

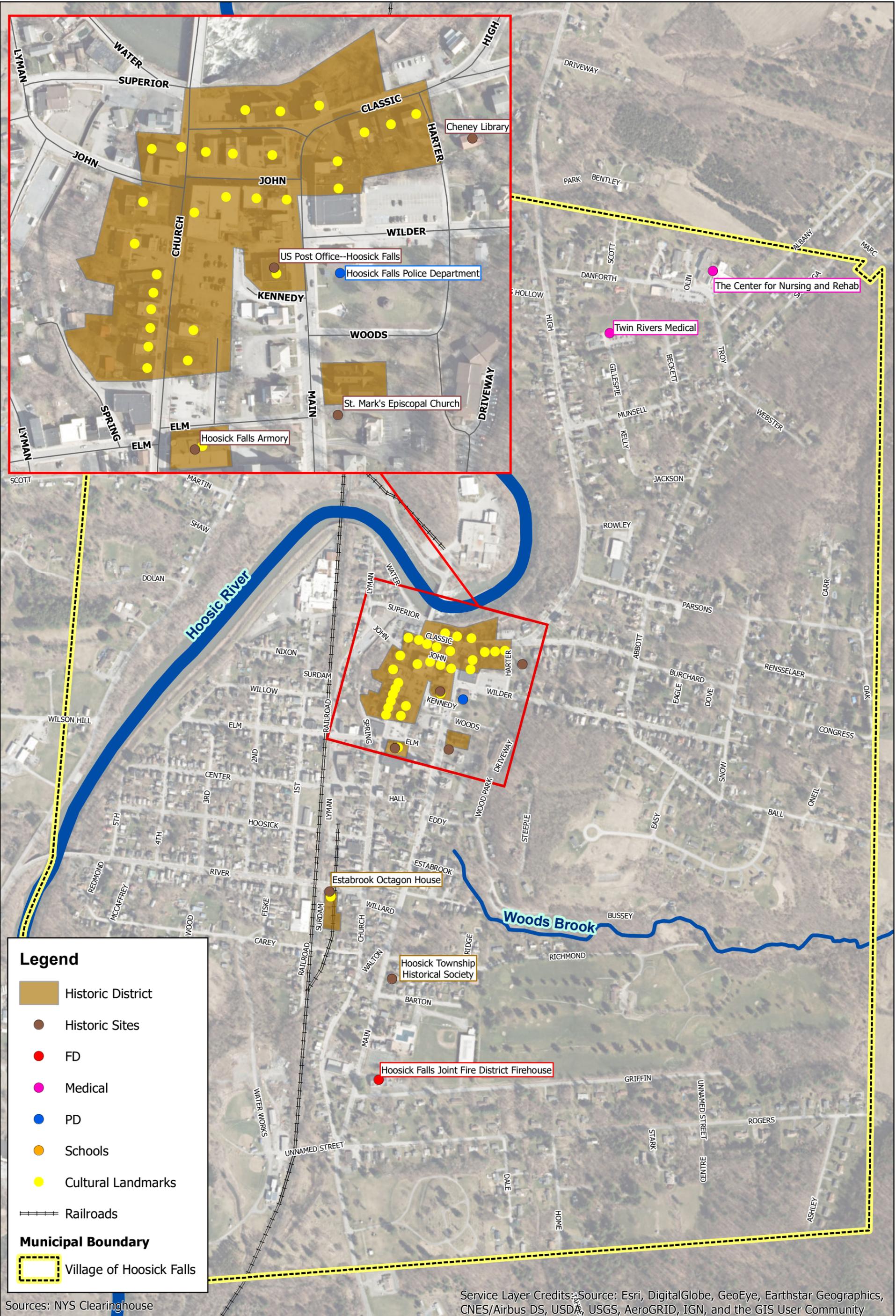
The Village of Hoosick Falls has eleven (11) acres, mostly in the center of the Village, that are listed on the State and National Registers of Historic Places. The majority of the space is along the northern part of Church Street and the eastern end of John Street. The districts are comprised of forty (40) buildings that are a part of the historic registry, as well as six (6) which are outside of the designated historic districts. In order to maintain these districts as a historic and cultural resource to the Village, proposed recommendations for this area focus on maintaining character, rehabilitating historic structures, allowing economic development, and improving waterfront access at the northern part of the main district.

The Hoosick Falls Central School District serves the Town and Village of Hoosick Falls. It is located outside the Village at 21187 NY Route 22. The school serves 1,099 students in grades Pre-K and K-12. A private school known as the Hoosac School is located in the nearby Town of Hoosick as well as serves grades 8-12. An essential element for a community's strategy for waterfront revitalization is gathering input from the local schools and the students. Students can express how they would like to see future improvements within the Village and along the waterfront. Through interpretive signage, the Village's waterfront programming can also enhance the students' educational experiences by providing the historical significance of the river and the impact it had on the Village.

The Village has emergency resources including a police department, fire department, and medical facilities. The police department serves the entire Town of Hoosick Falls and the office is located at Village Hall. The Hoosick Falls Joint Fire District serves the Village from a new station on Main Street.



Figure 10 Hoosick Armory Youth Center and Community Coalition



Legend

- Historic District
- Historic Sites
- FD
- Medical
- PD
- Schools
- Cultural Landmarks
- Railroads

Municipal Boundary

- Village of Hoosick Falls

Sources: NYS Clearinghouse

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 inch = 600 feet

3.8 Environmental Resources

The Village of Hoosick Falls contains many important natural features that contribute to its scenic beauty. The natural resources have a critical impact on overall development patterns and on the decisions between conservation and development alternatives. Natural resource characteristics are considered in order to gain a better understanding of existing conditions within the LWRS boundary and to identify areas of potential development or areas to be retained as a natural or improved open space. This subsection will cover environmental resources including the Hoosic River, Woods Brook, floodplains, and wetlands.



Legend

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  River
-  500-year Floodplain
-  100-year Floodplain

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 inch = 600 feet

Waterbodies – The Hoosic River is the main waterbody running through the Village of Hoosick Falls. The Hoosic River is a designated Inland Waterway under Article 42 of the NYS Executive Law (Waterfront Revitalization of Coastal Areas and Inland Waterways). Even though it is a smaller waterbody in the Village, the Woods Brook recently produced significant flood damage that has affected private property and municipal infrastructure.

Hoosic River

The Hoosic River is a tributary of the Hudson River and runs from the southwest border of Hoosick Falls through the middle of downtown and then north out of the Village. The River's width within the Village's boundary ranges from 60 feet to 200 feet. The designation of the Hoosic River as an Inland Waterway allows adjacent communities, including the Village, to receive the benefits of Article 42 including technical assistance from the NYS Department of State, increased opportunities to apply for state financial assistance, and review of state agency actions for consistency with a fully adopted LWRP.

There are currently no formalized waterfront access points to the River within the Village. There are access points north of the Village at Sewer Plant Road and Kokley Avenue and there are access points south of the Village off of Route 22. Although there are not any access points to the river, there are various access points to the Hoosic River Greenway Trail which runs along the eastern part of the river. The trail access points begin at the northern trail head on Sewer Plant Road and include Church Street, Water Street, Nixon Street, McCaffrey Street, and Water Works Road. The recommendations section of this LWRS presents areas for formalized waterfront access and recreational opportunities along the River.

Woods Brook

Woods Brook runs from the eastern boundary of the Village toward downtown and into the Hoosic River. The river is day-lighted from the eastern boundary and then is conveyed into a closed culvert system from Estabrook Ave to the Hoosic River. The most significant areas of historical flooding issues in the Village are within the Woods Brook watershed between Route 22 and the Hoosic River. There have been repetitive catastrophic property and infrastructure damage occurring in this area since the 1860's. The most frequently damaged areas are Main Street, Church St., Spring St., Hall Street, and Elm Street.



Figure 11 Woods Brook

The Village has received funding from FEMA and various grants with the aim of reducing flooding around the brook. The LWRS has taken these studies into consideration and there are limited recommendations of development around the brook.

Floodplains - A floodplain is the level land along the course of a water body. To mitigate the effects of a flood during times of high water levels (after a large rain or snowmelt), the Federal Emergency Management Agency controls and protects the areas located within these federally designated floodplains.

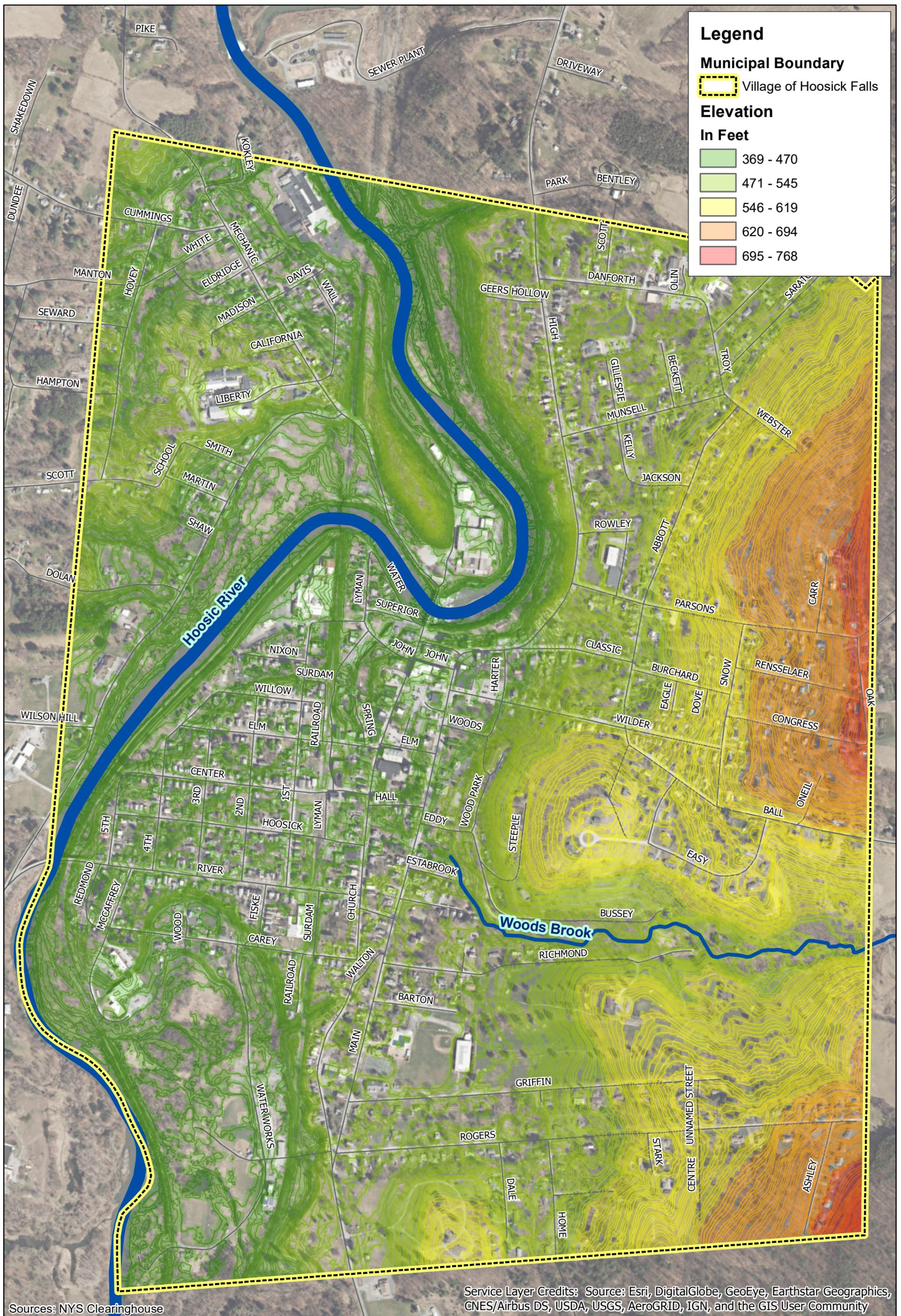
One of the most significant naturally occurring characteristics of Hoosick Falls is a strong vulnerability to flooding. As mentioned in the previous section, significant flooding has occurred around Woods Brook since the 1860s and as recent as July 2017. As a result of these events, funds have been designated for flood relief and future flood prevention. It is essential that the LWRS takes into account the Village's flood risk and is cognizant in recommending a balance of conservation which relieves flooding and development which could exacerbate it.

There are 100-year floodplains around Woods Brook and some around the Hoosic River, mostly on the western part of the river. The 500-year floodplain is not as significant on the eastern part of the Hoosic River compared to the western part. Many of the recommendations are on the eastern part of the river and should not have a significant impact on the floodplains. Nonetheless, potential development on the 100-year and 500-year floodplains should be done with great consideration of the associated risks.

Wetlands - New York State Department of Environmental Conservation (NYSDEC) wetlands must be at least 12.4 or more contiguous acres. Additionally, land within 100 feet of each NYSDEC wetland is protected by the State. Wetlands are determined not only by the presence of standing water but by certain vegetation that thrive in wet soils and indicate the presence of moisture over a period of time. The Federal Army Corps of Engineers protects wetlands that may be smaller than NYSDEC wetlands as long as they are connected to navigable waters.

In Hoosick Falls, wetlands are located around the Woods Brook and along the Hoosic River at the north end and at the southwest end. The most prevalent type of wetland in the Village is the *freshwater forested/shrub wetland*. A *freshwater forested/shrub wetland* is an area with 50% areal coverage of trees over a shrub layer with a 60% areal coverage.

Topography - Much of the older part of the Village along the river and downtown is flat. Elevation tends to increase at the eastern boundary of the Village when going east up Parsons Ave/Fairbanks Road and Ball Street. Steep slopes generally indicate areas where development should be avoided due to unstable soils.



Legend

Municipal Boundary
 Village of Hoosick Falls

Elevation
In Feet

- 369 - 470
- 471 - 545
- 546 - 619
- 620 - 694
- 695 - 768

Sources: NYS Clearinghouse

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Barton & Loguidice



1 inch = 600 feet

Village of Hoosick Falls
Topography: Elevation
 Rensselaer County September 2018 New York

Map 8
 Project No. 1677.008

3.9 Public Space & Recreational Resources

Hoosick Falls has 10.5 acres of parkland spread over four (4) public parks. Town Park is the largest of the four (4) parks, followed by Wood Memorial Park, Jackson Street Park, and Monument Park. The Village also has the Hoosic River Greenway which runs through the north and south boundaries. The greenway is 2.5 miles long going along the east part of the River and it is a protected trail except for a .1 mile stretch which goes along Water Street. There are trail access points beginning at the northern trail head on Sewer Plant Road as well as access points at Church Street, Water Street, Nixon Street, McCaffrey Street, and Water Works Road. The recommendations section of this LWRS discusses enhancing specific access points by improving parking and improving staircases to the trail.

There are 42 acres of land designated for Recreation and Entertainment, 40 of those acres are the Hoosick Falls Country Club. 255 acres are dedicated to Public Utilities and Services. These parcels are mostly made up of the railroad but also include electric and water supplies. Community Services make up 134 acres of parcels. These parcels include cemeteries, community centers, health centers/hospitals, and public buildings such as the schools, the post office, and police and fire departments.

The Village should continue to maintain the parks, recreational resources, and public services while also looking to improve these systems. This LWRS proposes many recreational opportunities along the river and these opportunities could bring about the expansion of the Village's park system by designating new parks along the river and trail.



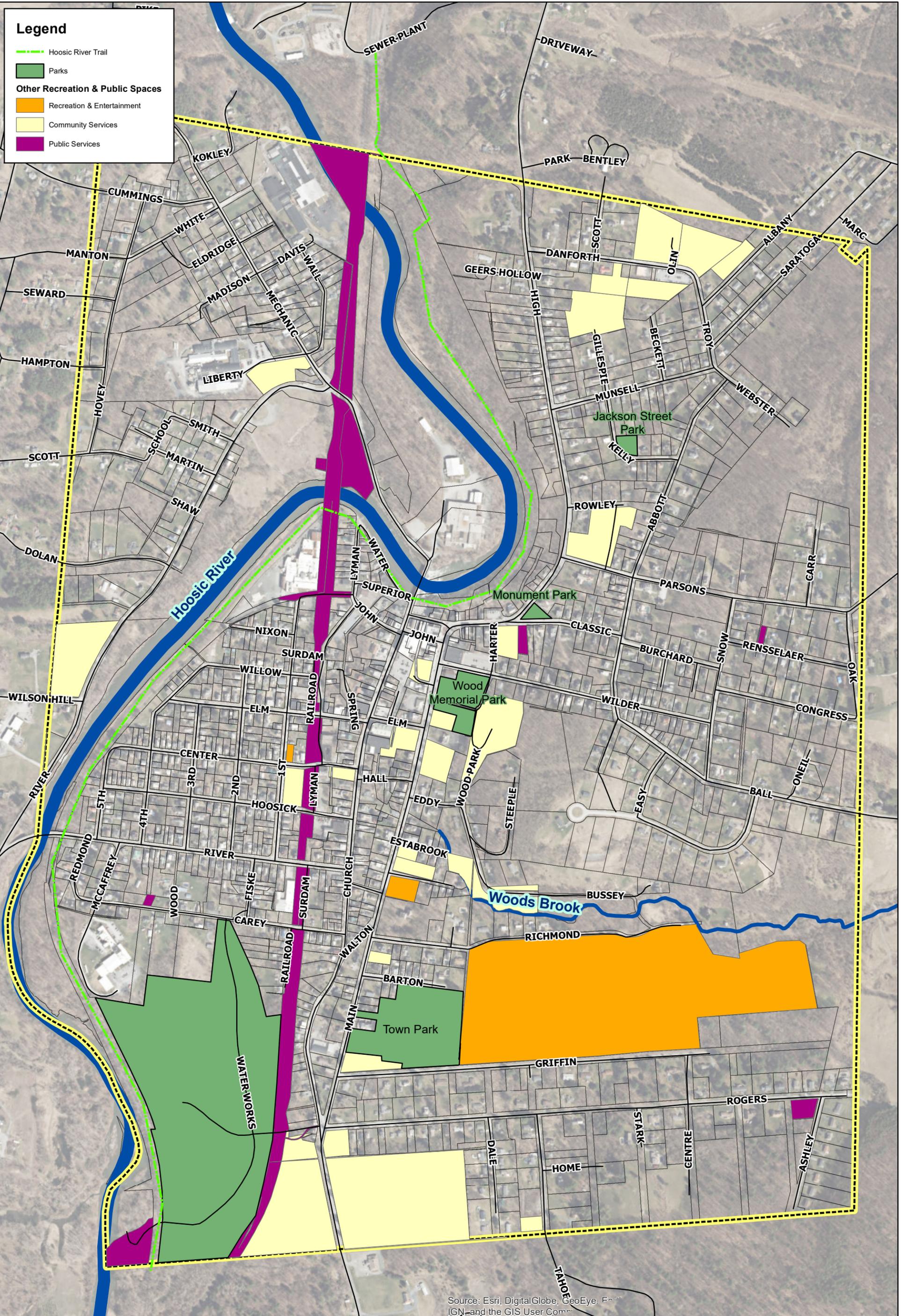
Figure 12 Hoosic River Greenway

Legend

- Hoosic River Trail
- Parks

Other Recreation & Public Spaces

- Recreation & Entertainment
- Community Services
- Public Services



Source: Esri, DigitalGlobe, GeoEye, Earthstar, IGN, and the GIS User Community



1 inch = 600 feet

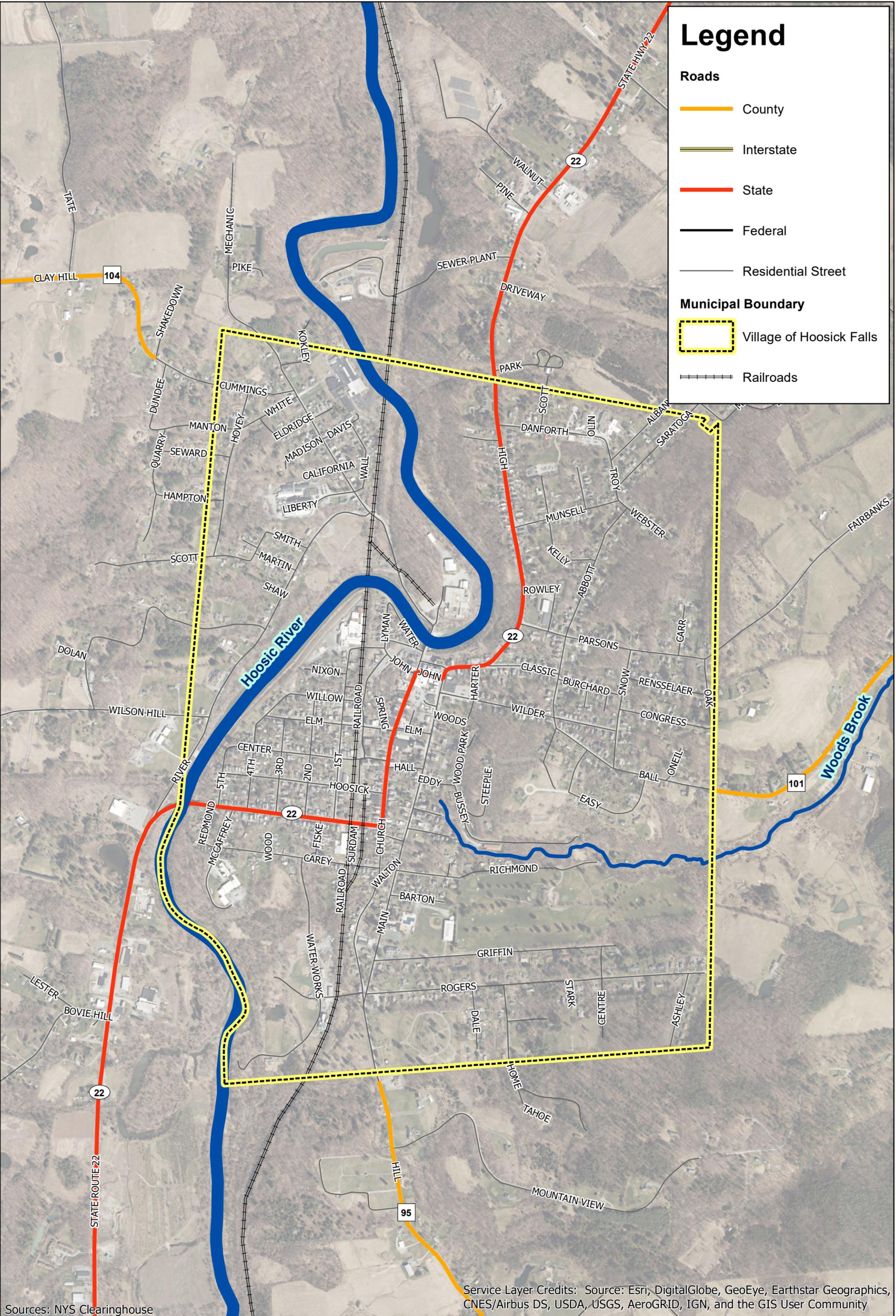
3.10 Transportation

The Village of Hoosick Falls is linked to other areas by Route NY-22, County Routes 101 and 95, and local roads such as Wilson Hill Road and Cummings Street. Route NY-22 runs north/south connecting to other major state roads such as NY-67 at the north and NY-7 at the south. County Route 95 runs north/south also connecting to NY-7 at the south. County Route 101 runs east/west connecting to County Route 102 to the west. Cummings Street turns into County Route 104 when heading west while Wilson Hill Road hits County Route 103 when heading west. The PanAm Southern railroad line runs north/south through the Village.

The Village is in close proximity to major cities and state borders. It is less than ten (10) miles from the Vermont border, less than twenty (20) miles from the Massachusetts border, and less than an hour drive from Albany, NY. In addition to being strategically located by two (2) state borders and the New York state capital, the Village is also less than a four-hour drive to major cities such as New York City (180 miles), Boston (160 miles), Montreal (210 miles) and less than a three hour drive from major New York cities such as Syracuse (170 miles), and Utica (120 miles). *See figure 3.*



Figure 13 Looking at County Route 101 from County Route 102.



Legend

Roads

- County
- Interstate
- State
- Federal
- Residential Street

Municipal Boundary

- Village of Hoosick Falls
- +—+—+—+— Railroads

Sources: NYS Clearinghouse

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 inch = 925 feet

SECTION 4.

**PLANNING & WATERFRONT
REVITALIZATION**

Several planning efforts and ongoing initiatives in Hoosick Falls have occurred in relation to waterfront planning. Reviewing these projects and initiatives help understand the steps that the Village has already taken and is currently taking to improve the community planning and waterfront revitalization. This process also assists in identifying and understanding community and waterfront revitalization issues that the Village is trying to recognize and resolve. The following section identifies and summarizes eight (8) previous planning projects and how they relate to this LWRS.

4.1 Previous and On-Going Planning Projects

Village of Hoosick Falls, New York Parking and Pedestrian Project, 2003.

This study was funded by the Capital District Transportation Council. The study analyzed parking and pedestrian access downtown as it related to downtown revitalization. Recommendations included aesthetic improvements and the development of landscaped pedestrian linkages between major downtown public parking facilities. Recommended improvements included a boardwalk and stairway along the waterfront as well as other waterfront related improvements which have been incorporated into the Hoosic River Greenway. The study includes several concept plans for improvements to the parking lots and many specific amenity recommendations that could be incorporated into design standards for public parking lots and pedestrian pathways.

While this study was useful and parts of it have been implemented, the Village and transportation in general within the Village has changed. Due to these

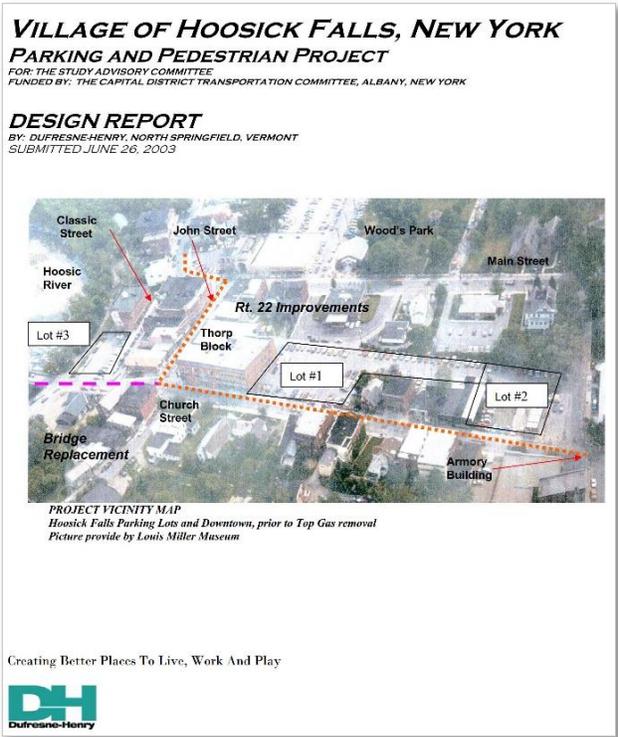


Figure 14 Cover of 2003 Parking and Pedestrian Report

changes as well as advances in green infrastructure, parking, and lighting technology, a new study is due. Such a study would benefit connections to the Hoosic River and the Greenway Trail, and could improve the safety, mobility, and infrastructure of various parts of downtown.

[Envisioning Hoosick Falls: Positioning for a Sustainable Future, September 2006.](#)

In a joint effort by the Village and Civic and Cultural Restoration Corporation (CIVICURE), this visioning project included a series of hands-on visioning workshops that resulted in several relevant opportunities and recommendations to be considered in zoning updates. The report considers zoning updates to:

- The potential for ‘Agri-Tourism’ in the community.
- Agri-business opportunities, especially related to organic farming, including the potential for packaging and shipping from downtown spaces.
- The potential to leverage proximity to cultural attractions and higher educational institutions nearby.
- Several recommendations were made in the visioning workshops regarding the Hoosic River Greenway and the related opportunities to enhance the Village quality of life.
- Establish an arts center that could serve as a public exhibition space and secondarily as a community center.
- The report specifically recommends, *‘The Village should establish zoning and design-guidelines that would promote and support a synergy of uses in the downtown. A diverse, mixed-use downtown can provide a wider range of services and living options that can attract and retain new residents and businesses. The downtown is a prime location for inexpensive housing options. Affordable and varied housing options of rental units and condominiums, can address the needs of the professionals who work near the downtown, the students who are looking for inexpensive apartments, and the seniors who no longer want the burden large-home maintenance.’*
- Another recommendation specific to the zoning update was included, stating, ‘Creating a mixed-use downtown complements the Hoosick Falls Community Strategic Plan recommendations for the downtown. A Central Business District (CBD) promotes an active downtown. A Recreational District (RDD) promotes tourism.

Many of these recommendations have been addressed since 2006 or are being addressed as recommendations in this LWRS. The unique agricultural, cultural,

and historical heritage in Hoosick Falls along with its waterfront creates tourism opportunities and the Village has been in the process of taking advantage of these opportunities. Development of the Hoosic River Greenway has been advanced within the Village and the North Trailhead Project (*covered in the Waterfront Revitalization Initiatives section of this document*) will establish a point of interest along the trail for the Town and Village. The LWRS also addresses expanding the trail north and south of the Village as a recommendation.

There have been efforts to update the zoning code in 2015 and in 2017. In 2015, a zoning code update was performed using funds from the Hudson River Valley Greenway grant (*see Hoosick Falls Zoning Update below*). In 2017, a Land Use Inventory and Analysis was initiated and is still on-going by the Village (*see Land Use Inventory below*).

Since 2006, CIVICURE has purchased Wood Block, located in the heart of downtown Hoosick Falls. The property is within a historic district that is a part of the State and National Registers of Historic Places and it is one of forty buildings in the Village that are a part of the Historic District. CIVICURE is restoring the theater with funding from the New York Main Street Program. In order to maintain the property as one of the Village's historic and cultural resources, the LWRS recommends supporting the rehabilitation of the building by continuing to secure grant funding.

[Options for Governmental Structural Changes Dissolution & Alternatives Study for Village of Hoosick Falls, NY, June 2013.](#)

This report analyzed the potential to combine Town and Village services including Planning and Zoning. The Village dissolution would force the need for revisions to the Town's zoning, this would address some of the code changes that are needed. The dissolution was not pursued but it was suggested that the need to explore opportunities to share services between the Village and other entities be kept in consideration.

While the dissolution of services in order to address code changes is not recommended in this LWRS, other recommendations from the 2013 dissolution study are applicable in order to improve the Village's zoning code. These recommendations include updating the code in order to address the issue of nonconforming parcels in the more dense residential areas in the Village. Updating the existing zoning map and code would promote compatibility with

future development patterns and resolve the issues associated with nonconforming uses.

Hoosick Falls Zoning Update, 2015

In 2015, the Village of Hoosick Falls recognized that its zoning code was outdated and had become a barrier to economic development. The need for a more consistent and easily enforceable code was identified and funding for a zoning update was provided by the Village and by a Hudson River Valley Greenway grant.

In addition to a reorganization of the Zoning Code and getting it posted online, a technical memorandum was prepared. The technical memorandum looked at zoning projects in other New York State municipalities and provided a strategy for reaching goals that the Village established. The memo compiled all existing zoning code amendments and incorporated them into the main code document. The final document provided a revised draft zoning code for the Village to review, revise as needed, and eventually adopt. The zoning code revision consisted of a reorganization of the code for simplicity and the removal of redundancies.

Land Use Inventory Memorandum, 2017

As a result of questions posed and issues raised during the 2015 Zoning Code Update, the Village pursued funding for an inventory and analysis of existing land use characteristics in the Village. The inventory was intended to support an anticipated comprehensive plan update and help guide zoning changes that were intended to better represent the existing community form and ensure more compatible future development patterns.

While still in the final draft form, the memo recommends updating the Village's existing zoning map and code in order to resolve issues associated with nonconforming uses. The continued prevalence of land use and zoning conflicts is problematic for existing property owners since those who are not in compliance may have difficulty selling their properties. Updating the existing zoning map and code is also recommended in this LWRS in order to promote compatibility with future development patterns and resolve the issues associated with nonconforming uses.

4.2 Waterfront Revitalization Initiatives

Waterworks Park Revitalization, on-going

Phase I of the Waterworks Park Revitalization project is already funded and includes developing an access point to the Hoosic River from Waterworks Road. The access point will be at the south end of the Hoosic River Greenway and is scheduled to be completed by summer 2020. Phase II of the project will design and implement an event/performance space, dog park, and it will reconstruct Waterworks Road in order to accommodate motor vehicles, bicycles, and pedestrians.

The Waterworks Park Revitalization project is referenced multiple times throughout this LWRS as a project to support and build upon. The project improves accessibility to the river and creates a tourist point within the Village. This LWRS recommends continued support of the project by looking to secure future funding.

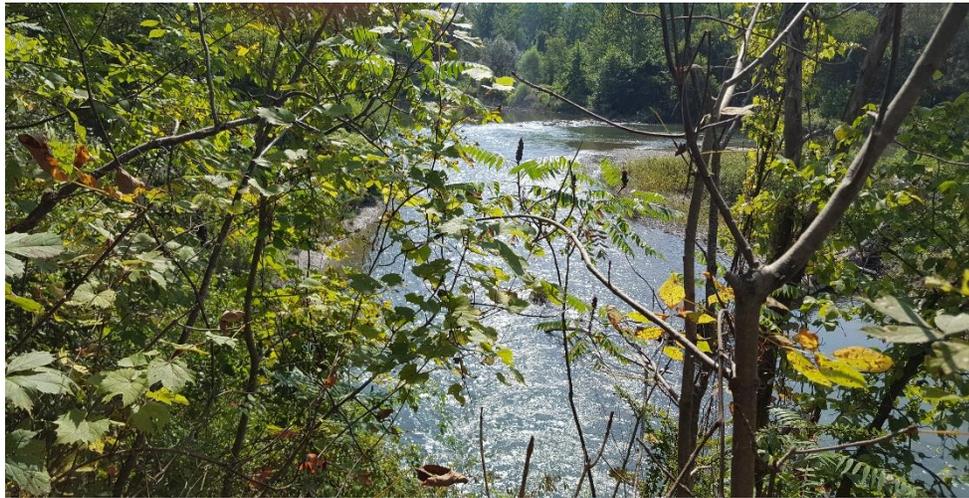


Figure 15 View of Hoosic River near Waterworks Park

Woods Brook Flood Mitigation

Woods Brook runs from the eastern boundary of the Village toward downtown and into the Hoosic River. The river is day-lighted from the eastern boundary and then is conveyed into a closed culvert system from Estabrook Ave to the Hoosic River. There have been many problems with flooding along the Brook and various grants have been awarded to address the flooding. In 2016, a Community Development Block Grant (CDBG) in the amount of \$25,000 was awarded to the Village for a Drainage Study. In 2017, another CDBG grant for

\$900,000 was awarded to the Village to implement green infrastructure projects that would hold and slow flood waters upstream of the Village.

In order to address flooding concerns and improve the value of the Village's natural resources, daylighting Woods Brook is a recommendation in this LWRS. Daylighting the Brook would allow the waterway to be another valuable natural resource within the Village. If daylighting is feasible, it is recommended to surround it with resiliency measures in order to activate the Brook as a recreational resource. It is recommended to study the feasibility of adding a trail along the Brook and surrounding it with vegetation, scenic vistas, and wayfinding/interpretive signage. The Brook has the potential to connect to the Hoosic River Greenway through the Village's downtown core. This connection would create another trail access point, as well as another valuable recreational trail within the Village, and a potential resource that could boost the Village's downtown economy.

Hoosic River Greenway

The Village and the Hoosic River Greenway Committee have invested resources in establishing a rail trail along the old rail line along the Hoosic River since 2005. The Hoosic River Greenway is a trail that runs along the eastern part of the Hoosic River and goes through the north and south boundaries of the Village. The Greenway is currently 2.5 miles long, has access points throughout the Village, and is associated with various projects. This LWRS recommends extending the greenway north to the hamlet of North Hoosick and Brown's and Bennington Battlefield, as well as extending the greenway southward connecting into the Corkscrew Rail Trail, Ashuwillticook Rail Trail, and the Taconic Crest.



Figure 16 Hoosic River Greenway wayfinding signage

Extending the trail north and south can improve the Village's recreational resources and its economy. The recreational connectivity of the Village can be improved by connecting the trail to surrounding communities and other recreational points of interest. Extending the trail can increase its use which could help the Village's downtown economy since the trail runs through the Village's downtown core.

North Trailhead Project - The North Trailhead Project is located off of Sewer Plant Road and will connect the road to the Hoosic River Greenway which ends 700 feet south. By connecting the road to the greenway, Sewer Plant Road will serve as the north trailhead. The project also includes adding a 5-car trailhead parking lot.

This LWRS supports this project and has a few recommendations associated with it. One recommendation is changing the name of Sewer Plant Road to something more marketable. Another recommendation was creating a pedestrian bridge off of Sewer Plant Road over the Hoosic River connecting to Kokley Ave. This would open up the opportunity for more recreational waterfront activities to occur in that area of the Village as Sewer Plant Road is already an access point to the River upstream from a dam adjacent to the Sewer Plant. It will also provide better access to the Hoosic River Greenway for people west of the Hoosic River and it has the potential to create a scenic trail/bicycle loop for trail users if the Greenway is extended as a result of the pedestrian bridge.

SECTION 5.

VISION STATEMENT & GOALS

5.1 Vision Statement

Hoosick Falls is a rural, valley community that offers quality schools, social organizations, and employment opportunities all located in a beautiful natural setting along the banks of the Hoosic River. The Village is the center of economic and social activity for several surrounding communities in Northern Rensselaer County and provides a variety of attractive, multi-generational housing options. Residents and visitors alike partake in a range of locally-available outdoor pursuits on trails and waterways. Such shared values support a collective sense of community that makes Hoosick Falls a unique place to live, work, and visit.

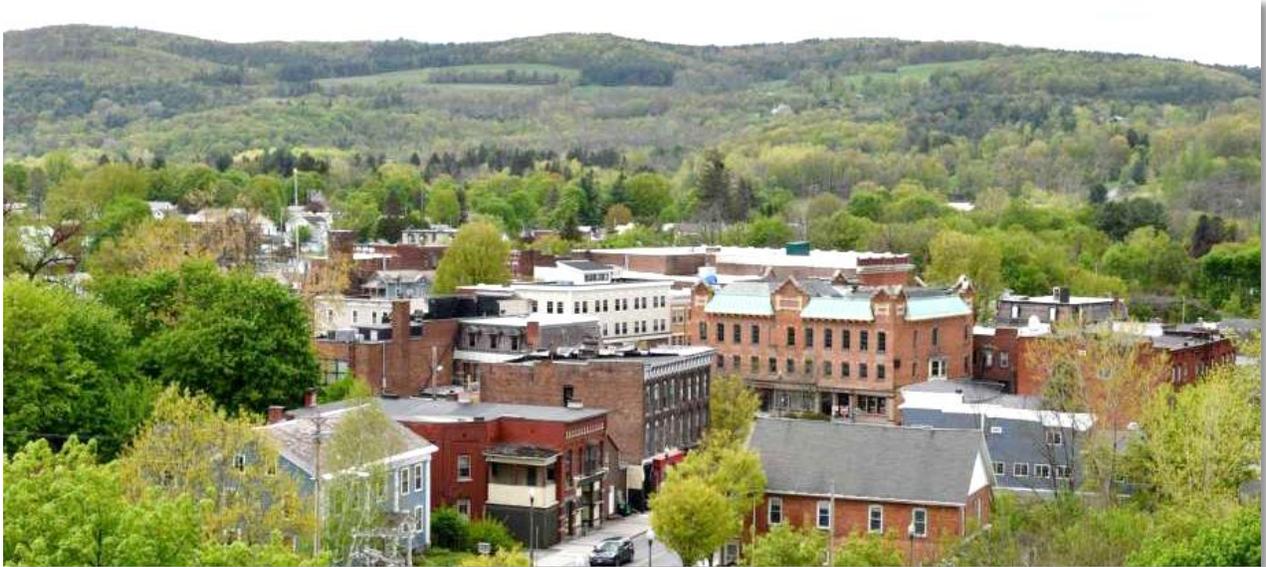


Figure 17 View of Downtown Hoosick Falls

Source: <https://www.timesunion.com/local/article/220-000-state-grant-for-Hoosick-Falls-water-costs-11136804.php>

5.2 Goals

To achieve this vision, the Village of Hoosick Falls established a set of goals to guide decision-making. These goals address a wide range of issues that have been raised throughout the public engagement process. The goals are as follows:

- Improve physical and visual access to the Hoosic River in order to make the river more of an everyday part of life in Hoosick Falls
 - Re-engineer Army Corps of Engineers flood protection measures downtown
 - Establish a wayfinding system of signage and multi-media platforms to better enable residents and visitors to interact with the Hoosic River
 - Establish fishing, kayaking, and canoeing access along the Hoosic River at several locations, including the west bank across from downtown
 - Link together and extend segments of the Hoosic River Greenway



Figure 18 Hoosic River looking northward from the Mechanic Street Bridge

- Foster economic development downtown
 - Revise and modernize the zoning code
 - Formation of a Waterfront Development District in the Zoning Code.
 - Efficiently and effectively maintain civic infrastructure to reduce municipal services burden on business community. Consider implementing an asset management system.
 - Rebrand the Village based on its connection to the Hoosic River



Figure 19 John St. looking east toward Main St.



Figure 20 Hoosick Falls Armory

- Enhance the aesthetics of the built environment including downtown and residential neighborhoods
 - Implement design standards/guidelines
 - Establish a land bank or work with an existing one
 - Work with property owners to maintain the appearance of their properties
 - Consider the protection of visual resources such as the agricultural landscapes that surround the Village. Consider inter-municipal cooperation.

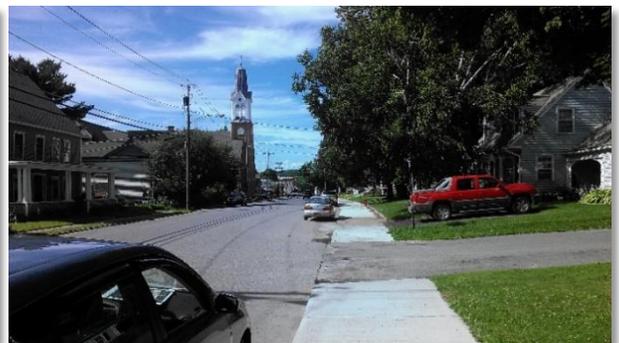


Figure 21 Design Guidelines would help reserve street character, such as the storefronts and neighborhood settings on Church Street

SECTION 6.

RECOMMENDATIONS

6.1 Introduction

The waterfront in the Village of Hoosick Falls is an asset that affords the Village a significant opportunity to spearhead revitalization efforts. Empowered by the aforementioned community vision, the LWRP Committee was charged with generating projects in the plan that will improve economic development, waterfront recreation and access, and community aesthetics. Through public input received in one (1) visioning workshop and two (2) public workshops, twenty-three (23) recommendations were developed and prioritized by short (less than 3 years), medium (3-7 years), and long (7+ years) term. Some recommendations were broken into two phases: Phase A being a feasibility study and Phase B being the implementation phase. This chapter will address each recommendation in detail.

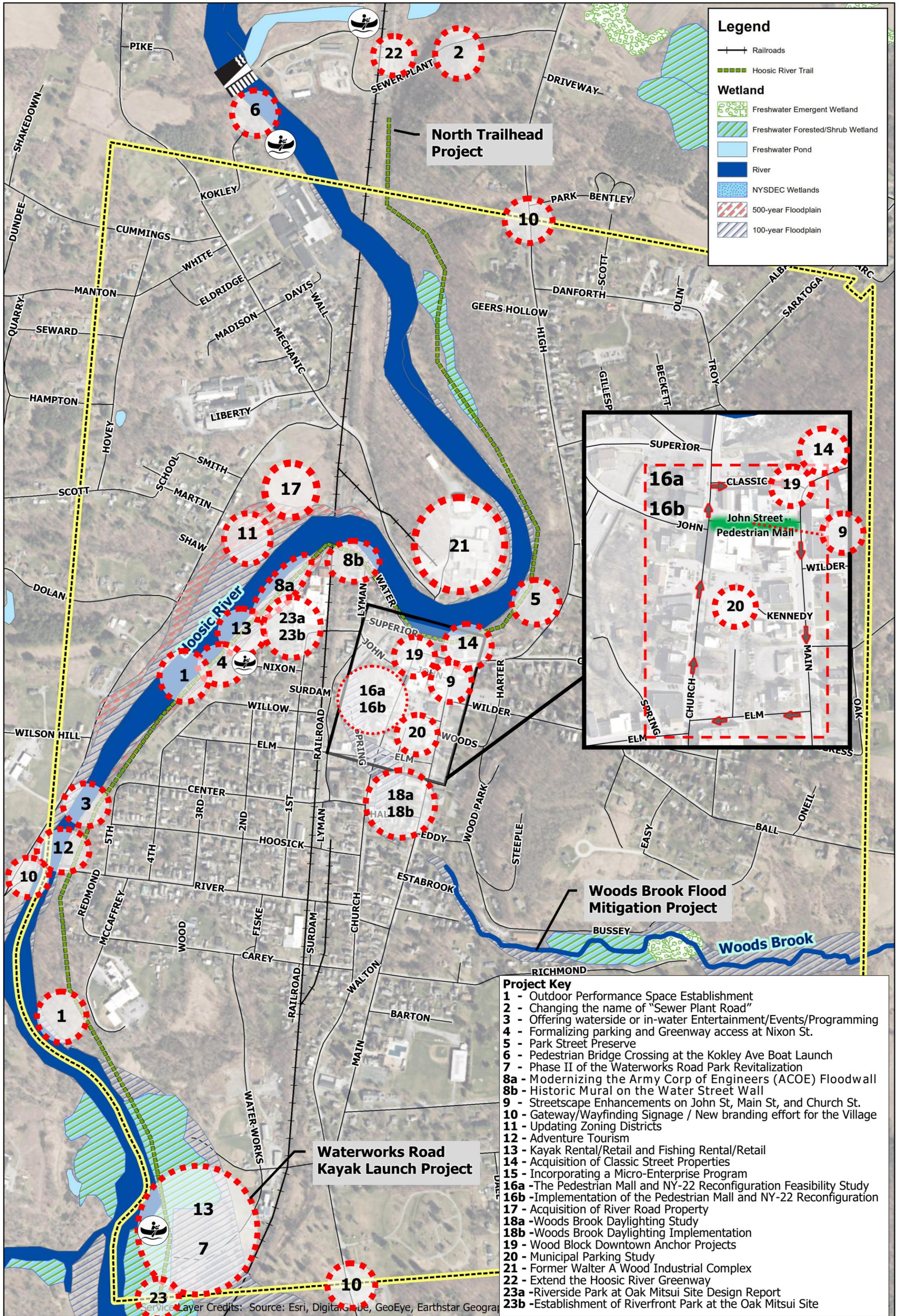


Figure 22a, 22b, 22c Project Recommendations were developed with public input at three public meetings held in May 2018, September 2018, and January 2019.



The twenty-three (23) recommendations include:

1. Outdoor Performance Space Establishment
2. Changing the name of 'Sewer Plant Road'
3. Offering waterside or in-water Entertainment/Events/Programming
4. Formalizing Parking and Greenway access at Nixon Street
5. Park Street Preserve
6. Pedestrian Bridge Crossing at the Kokley Ave Boat Launch
7. Phase II of the Waterworks Road Park Revitalization
- 8a. Modernizing the ACOE Floodwall
- 8b. Historic Mural on the Water Street Wall
9. Streetscape Enhancements: John Street, Main Street, Church Street
10. Gateway/Wayfinding Signage/ New Branding Effort for the Village
11. Updating Zoning Districts – Form-based Code and Design Guidelines
12. Adventure Tourism
13. Kayak Rental/Retail and Fishing Rental/Retail
14. Acquisition of Classic Street Properties
15. Incorporating a Micro-Enterprise Program
- 16a. Pedestrian Mall and NY-22 Reconfiguration Feasibility Study
- 16b. Implementation of the Pedestrian Mall and NY-22 Reconfiguration
17. Acquisition of River Road Property
- 18a. Woods Brook Daylighting Study
- 18b. Woods Brook Daylighting Implementation
19. Wood Block - Downtown Anchor Projects
20. Municipal Parking Study
21. Former Walter A. Wood Industrial Complex
22. Extend the Hoosic River Greenway
- 23a. Riverside Park at Oak Mitsui Site Design Report
- 23b. Establishment of Riverfront Park at the Oak Mitsui Site



Legend

- Railroads
- Hoosic River Trail
- Wetland**
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - River
 - NYSDEC Wetlands
 - 500-year Floodplain
 - 100-year Floodplain

- ### Project Key
- 1 - Outdoor Performance Space Establishment
 - 2 - Changing the name of "Sewer Plant Road"
 - 3 - Offering waterside or in-water Entertainment/Events/Programming
 - 4 - Formalizing parking and Greenway access at Nixon St.
 - 5 - Park Street Preserve
 - 6 - Pedestrian Bridge Crossing at the Kokley Ave Boat Launch
 - 7 - Phase II of the Waterworks Road Park Revitalization
 - 8a - Modernizing the Army Corp of Engineers (ACOE) Floodwall
 - 8b - Historic Mural on the Water Street Wall
 - 9 - Streetscape Enhancements on John St, Main St, and Church St.
 - 10 - Gateway/Wayfinding Signage / New branding effort for the Village
 - 11 - Updating Zoning Districts
 - 12 - Adventure Tourism
 - 13 - Kayak Rental/Retail and Fishing Rental/Retail
 - 14 - Acquisition of Classic Street Properties
 - 15 - Incorporating a Micro-Enterprise Program
 - 16a - The Pedestrian Mall and NY-22 Reconfiguration Feasibility Study
 - 16b - Implementation of the Pedestrian Mall and NY-22 Reconfiguration
 - 17 - Acquisition of River Road Property
 - 18a - Woods Brook Daylighting Study
 - 18b - Woods Brook Daylighting Implementation
 - 19 - Wood Block Downtown Anchor Projects
 - 20 - Municipal Parking Study
 - 21 - Former Walter A Wood Industrial Complex
 - 22 - Extend the Hoosic River Greenway
 - 23a - Riverside Park at Oak Mitsui Site Design Report
 - 23b - Establishment of Riverfront Park at the Oak Mitsui Site

1. Outdoor Performance Space Establishment (*Priority Term: Medium*)



Figure 23 A durable yet attractive floodwall in Indianapolis, IN



Figure 24 A floodwall which doubles as an outdoor space in Troy, NY

Outdoor performance and event spaces are viewed as a critical missing component to waterfront revitalization in Hoosick Falls. Such an activity center could provide space for musical and theatrical performances, civic ceremonies, and special events. In conjunction with the proposed modification to the Army Corps of Engineers flood wall on Water Street that will be discussed later in this chapter, a terraced outdoor performance space at that location or near the former Oak Mitsui site (*see Appendix C*) would be ideal for bringing residents and visitors to the waterfront and downtown for entertainment. Secondary options for smaller bandstands or pavilions are also desired for the Park Street Preserve, Skorupski's Landing, or Waterworks Park.

2. Changing the Name of "Sewer Plant Road" (*Priority Term: Short*)

Sewer Plant Road provides access to the Hoosic River and the Hoosic River Greenway just to the north of the Village limits. However, this property is owned by the Village. The negative connotation of the road's name reduces the appeal of this access point to the two recreational points of interest. Changing the road's name would remove this negative



Figure 25 Current access to Sewer Plant Rd. from NY-22

association and improve promotional opportunities of the trail and the river access point. The Village will need to approach the Town of Hoosick and National Grid about changing the name.

Also, access to the Hoosic River just to the north of the sewer plant exists in an informed setting. However, kayakers, canoers, and tubers can enjoy an uninterrupted segment of the river from this location all the way to the Buskirk Red Covered Bridge, a distance of 6.6 miles.

3. Offering Waterside or On-Water Entertainment/Events/Programming (*Priority Term: Short*)

Waterfront programming is a valuable tool which can attract and increase waterfront use and change the way people interact with the local environment. Facilitating ways that the community can get involved with public spaces through entertainment and events can benefit the health and wellbeing of the residents. Offering waterside or in-water entertainment and events can be accomplished through regional coordination with organizations such as the Rensselaer Plateau Alliance, Bennington Battlefield, Rensselaer County Tourism, and Wild Center in Tupper Lake.

Some examples of waterside or in-water entertainment/ programming could include all season fishing contracts, kayak/canoe lessons, educational excursions including birding, flora/fauna, local history, and fundraisers such as the duck derby.

4. Formalizing Parking and Greenway Access at Nixon Street (*Priority Term: Long*)

Nixon Street is one of a few access points to the Hoosic River Greenway within the Village boundary. There is currently a gravel area where Nixon Street terminates and where trail users park their cars in order to access the Greenway and potentially access to the river itself in the future. There are no formalized parking spaces or clear signage about parking regulations. The Army Corp of Engineers and the DEC would be involved in the development of a formalized parking area.

Nixon Street lacks signage where it intersects with 1st Street and from higher traffic volume streets like River Street and Church Street. This signage would direct patrons to the trail and the parking area. Having designated parking areas along with signage which clearly states parking limits will give trail users confidence in using the parking area as an access point. Additional signage which directs people to the parking area will also promote trail use and trail accessibility.



Figure 26 Existing conditions of the parking area at the end of Nixon Street.

5. Park Street Preserve (Priority Term: Short)

Park Street Preserve is centrally located in the Village along the Hoosic River and intersecting the Hoosic River Greenway. Park Street is a little known public right-of-way leading down from High Street-Classic Street intersection. The Park Street Preserve could encompass several riverside properties along the right-of-way which are already owned by the Village of Hoosick Falls. The intent of the Park Street Preserve would be to capitalize on its secluded nature by providing passive recreational opportunities for camping, fishing, picnicking, and quiet walks. There is a nearby parking area at the insurance lot. This could serve as the initial parking area until a new one could be built within the Preserve.



Figure 27 Coles Creek State Park in St. Lawrence County, NY.
Source: <https://parks.ny.gov/camping/campsites/default.aspx>

6. Pedestrian Bridge Crossing at the Kokley Avenue Boat Launch (Priority Term: Short)

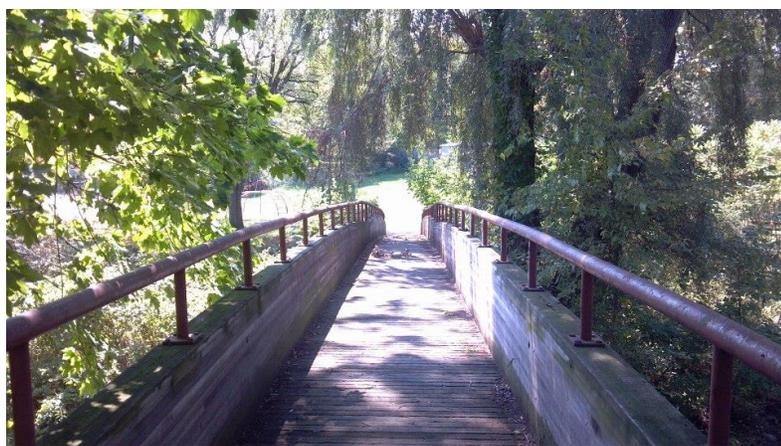


Figure 28 An example of a pedestrian bridge in Mechanicville, NY.
Source: Mechanicville Mile.

A pedestrian bridge at Kokley Avenue will create better access to the Hoosic River and the Hoosic River Greenway for residents of the Clay Hill neighborhood. A pedestrian bridge will connect Kokley Avenue to Sewer Plant Road and it would open up the opportunity for more recreational waterfront activities to occur in that area of the Village as Sewer Plant Road is

already an access point to the River upstream from a dam adjacent to the Sewer Plant. This is the only existing access point on the Hoosic between the two dams. It will also provide better access to the Hoosic River Greenway for people west of

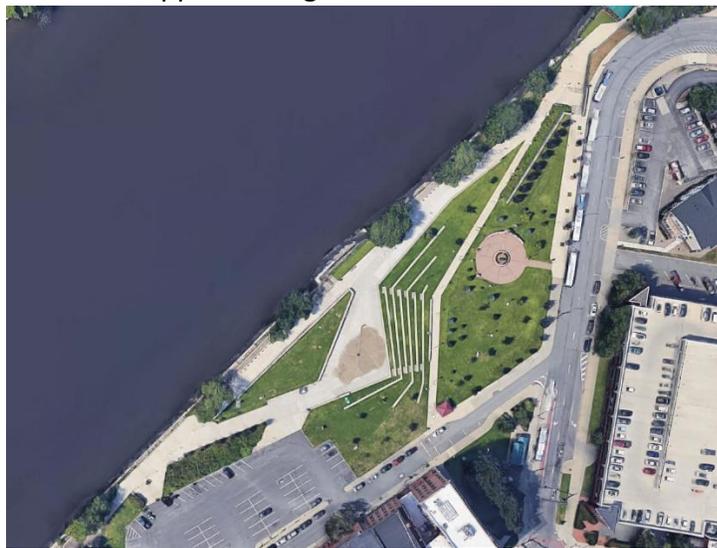
the Hoosic River and it has the potential to create a scenic trail/bicycle loop for trail users if the Greenway is extended as a result of the pedestrian bridge.

7. Phase II of the Waterworks Park Revitalization *(Priority Term: Short)*

Phase I of the Waterworks Park Revitalization project is already funded and includes developing an access point to the Hoosic River from Waterworks Road. The access point will be at the south end of the Hoosic River Greenway and is scheduled to be completed by summer 2020. Phase II of the project will design and implement an event/performance space, fitness system, dog park, and it will reconstruct Waterworks Road. in order to accommodate motor vehicles, bicycles, and pedestrians.

8a. Modernizing the Army Corps of Engineers Floodwall *(Priority Term: Long)*

It is recommended that the Army Corp of Engineers (ACOE) floodwall along the bend in the Hoosic River be modernized into a more versatile stepped design which would provide views and accessibility to the water while still maintaining the flood control function. Older urban floodwall designs, while quite functional in containing rising waters, often created a barrier which separated people from the water. Today we recognize the importance of these waterways for our community, and seek to re-establish these connections to the water with more versatile engineering solutions. Examples of these more versatile designs can be found in numerous waterfront communities, including nearby Troy, New York which provides a series of tiers or steps down to the water instead of a vertical wall. The stepped arrangement offers a number of advantages. It can provide



improved community aesthetics, with better views, where sight-lines down to the water are not obstructed by abrupt vertical drops or walls. They also provide the potential for landscaping and plantings to be included in the tiers

Figure 29 – Example terraced, riverfront park in Troy, NY

down to the water, creating a more attractive setting. The improvements can also be functional, with a tiered system providing pedestrian access to the river via stairs or ramps, and the ability to accommodate trails or walking paths along the river. More elaborate designs can incorporate an outdoor performance space, with stepped tiers providing seating overlooking the water, banners, flags and interpretive signage to create a celebratory village space on the waterfront.

A concept design developed for this waterfront area illustrates the potential for redesign in this area around the former Oak-Mitsui site (see *Figure 30/Appendix C*). The existing floodwall could be pulled back away from the river, creating a location for a stepped amphitheater just west of the railroad, looking northwest over the water. The Hoosic River Greenway trail could wrap around the back of this amphitheater, overlooking the water from above. There is the potential to also create a raised plateau or hill behind the amphitheater and floodwall along the railroad track which would allow people a view over the floodwall and to the river beyond—a potentially fun terrain feature. Other future site improvements here could include a driveway access from 1st Street, parking, picnic pavilion as well as open lawn areas, trees and play courts, as shown in the illustration.



Figure 30 Proposed Hoosick Riverfront Park on the former Oak Mitsui Factory site in Hoosick Falls

Such a design would restore personal connections to the water directly from the village again, providing opportunities for improved recreation and economic development. It is recommended that initial design concepts for this modernized floodwall be developed to identify the potential scope and length of design terrace required to provide functional public space in order to establish the potential budget. Early coordination with DEC and Army Corps of Engineers will be necessary, as well as Hoosic River Greenway. Any amenities or improvements within the tiered design area would be designed to be either exceptionally durable or expendable, as any flood event would likely destroy items within the floodway.

A modernized floodwall in such a stepped design would however require more land area than the current vertical floodwall, and would be a significant undertaking in terms of planning, permitting and construction. For these reasons, it is recommended that this project be viewed as a long-term objective.

8b. Historic Mural on the Water Street Wall (*Priority Term: Short*)



Figure 31 Floodwall on Water Street, part of Hoosic River Greenway. A raised sidewalk would allow views of the river but would also necessitate drainage provisions.

As noted in Recommendation #8a, while the ACOE floodwall has and continues to protect the Village from floodwaters in the Hoosic River, it is also an unappealing physical and visual barrier between the community and this important natural resource. #8a recommends modifying the flood berm to the west of the railroad bridge with a terraced amphitheater design while #8b addresses the cement-hardened stretch of riverfront to the east of the railroad

bridge. Due to limited public right-of-way between homes and the floodway, it is recommended that the Village pursue the establishment of a mural along the existing floodwall. The mural would offer the opportunity to bring in the local arts and education communities to showcase local history, ecology, and culture to users on the Hoosic River Greenway Trail. This is viewed as a short term priority because it will require comparably minimal financial investment and permitting to develop designs, procure painting materials, and execute the mural rendering. Independent artists and arts departments from Hoosick Falls Central Schools, the Hoosac School, and/or local colleges such as Hudson Valley Community College, Bennington College, or Williams College could be invited to participate.

9. Streetscape Enhancements on John Street, Main Street, and Church Street (Priority Term: Medium)

It is recommended that streetscape enhancements be pursued along the primary travel corridors through the village to help improve the visual aesthetics of downtown, promote tourism and encourage economic development. The primary focus of these improvements would be along the Main Street corridor from John Street south to Elm Street, continuing the prior streetscape renovations which have been implemented on the north side of the village.

Suggested enhancements would include: new sidewalks and crosswalks, granite curbs, street trees, pedestrian lighting (warm LED or high pressure sodium), banners, flags, decorative brick pavers and plantings as well as amenities such as benches, bicycle racks, trash and recycling bins. The improvements would allow for necessary ADA accessibility upgrades, particularly at crossing locations where there are no adequate ramps or tactile warning systems. A continuation of the same historic style pedestrian lights is recommended to create a consistent design along Main Street, however some design deviations from previous upgrades may be necessary, such as more durable crosswalk materials which are less likely to be damaged from the wear and tear of winter plowing. New pedestrian light poles should include pole-mounted GFI outlets to accommodate holiday lighting. Electrical outlets should also be considered at select street tree locations as well.

As part of these upgrades, a lifespan assessment of underground utilities is recommended to determine if they require replacement prior to roadway reconstruction.

Secondary streetscape enhancement areas include Classic Street, which provides a direct connection down to the river. In the event that the John Street Pedestrian Mall concept is not pursued, Classic Street should be considered for a sidewalk widening which would create a more attractive pedestrian route down the hill to the water. This option however would require the removal of any on-street parking on one side of the street.

Secondary sidewalk enhancements, which do not require the full streetscape treatment described above, could be considered for an additional stretch along Main Street from Elm Street, continuing south to Hall Street or Eddy Place.

Design and reconstruction work for these improvements would require a few years to complete. For this reason, it is recommended that this project be considered for medium to long-term priority consideration.

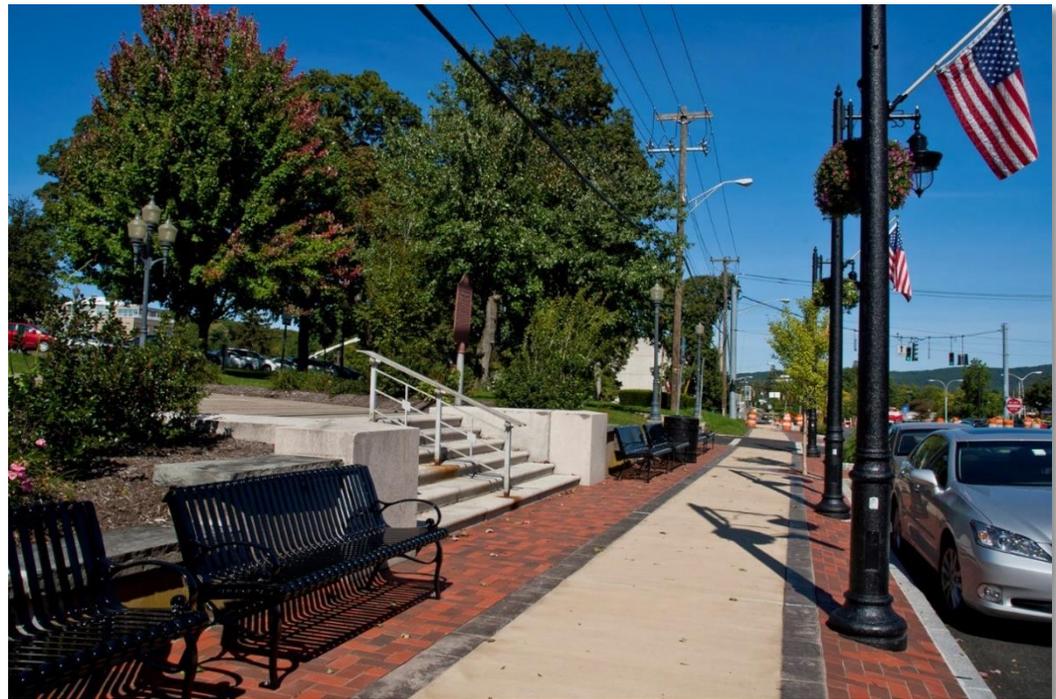


Figure 32 Example of streetscape amenities envisioned for Hoosick Falls

10. Gateway/ Wayfinding Signage/ New Branding Effort for the Village (Priority Term: Short)

It is recommended that a unified package of gateway signs and wayfinding signage be developed for the Village of Hoosick Falls that will help to reinforce the community identity, guide travelers and help stimulate local business. The gateway signs should be developed as part of a consistent theme, with an

updated logo that will identify with the history and character of the village. Preliminary community ideas for a new logo included images of the river, and the owl, and would ideally be incorporated into the wayfinding program to follow using natural materials such as wood and stone. Gateway signs would be located at key passageways into the community, such as Hill Road/Main Street; River Road; Clay Hill Road; High Street; Ball Street and Fairbanks Road.

It is recommended that the gateway signs be used as a starting point for the development of a consistent branding effort in the wayfinding signs overall throughout the village. As a first stage, these would be located along primary travel routes through the community to help capture or educate travelers who are unfamiliar with what Hoosick Falls has to offer, but could be expanded along secondary routes in later phases to provide further guidance. Priority identification should be given to services and features likely to attract visitors, including municipal parking. A central information kiosk, located on Main Street in downtown, should be included to provide further detail, maps and current events / announcements. A branding package should be developed which identifies colors, shapes, and sizes of how the signs would be displayed in different environments. In concert with the effort, it is recommended that the village work to update and coordinate its online map listings on popular search or navigation platforms such as Google Maps, Bing or Waze.

While the village could solicit the design help from outside specialists in the development of the logo and wayfinding design, it is suggested that the local arts community be invited to generate early conceptual ideas as part of the process. This process could be initiated relatively quickly and with relatively small amount of capital expenditure, and for these reasons it is recommended that this project be considered for short-term priority.

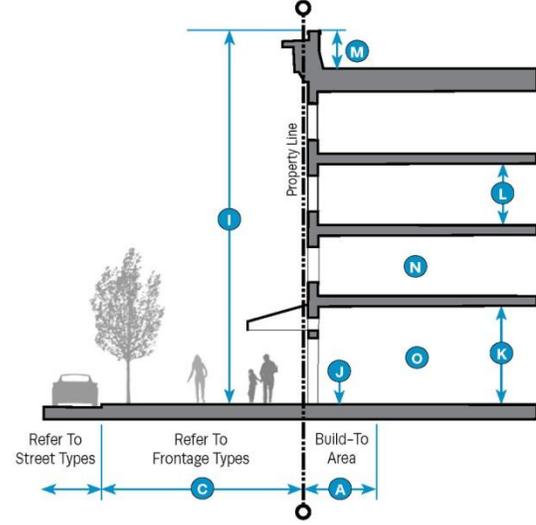
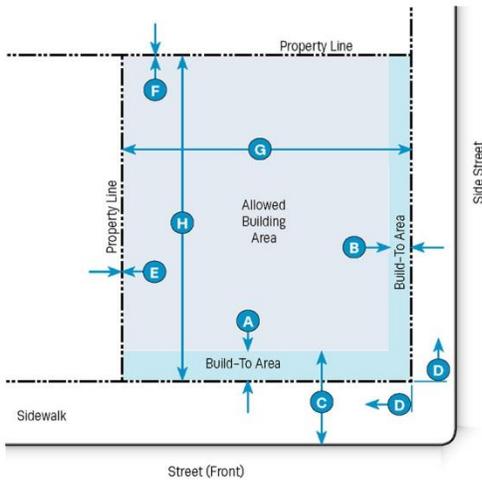
11. Updates to the Zoning Code – Form-based Code and Design Guidelines (Priority Term: Medium)

It is recommended that the Village of Hoosick Falls implement a series of zoning code updates to help enable and attract new waterfront business, correct code deficiencies, encourage infill development, and improve the aesthetic quality of the village. Ideally, the zoning updates would addressed on a number of levels, as follows:

1. Updates to the existing conventional zoning code language to address issues with allowable uses, particularly with regard to industrial districts, multifamily residences, and code process clarity;
2. Incorporation of new form-based codes in the most urbanized portions of the village to promote infill development which closely matches the historic urban form of the downtown with less restriction on uses;
3. Development of new design guidelines or standards; potentially incorporated into the form-based codes listed above, which promote improvements in commercial building facades, signs and parking areas as existing properties are upgraded or redeveloped.

Some preliminary recommendations for these items are listed below:

- Reconfiguration of the existing industrial zones along the waterfront. The existing waterfront areas, currently zoned only for the industrial enterprises which used to occupy the riverfront, should be opened up to the types of uses most desired along the water today. A variety of recreation, boat rentals, bike rentals, restaurants, and shops should be strongly considered for these areas. Conversely, the former industrial uses which no longer seem to be in demand today should be considered for removal.
- The existing residential zoning districts should be restructured to address current conflicts of pre-existing non-conforming multifamily housing emerging in single-family neighborhoods.
- Revise the allowable uses within the downtown commercial district to provide a mix of housing options combined with mixed-use commercial retail and services. Particular emphasis should be given to recreational/tourism uses, food and beverage service, and hospitality. Consider lowering or eliminating requirements for off-street parking in this district.
- Use the code update process as an opportunity to clarify code language where it has been a source of confusion among applicants and review boards, including helping to clarify what is expected during the review and approval process to reduce confusion or frustration for applicants. This might include a straightforward chart or table which lists the steps for different types of approvals and department in charge.
- Develop a system of fines to discourage abandoned or “zombie” buildings, with incentives to help bring these properties into compliance.



Building Placement & Setbacks

Build-To Area (Distance from Property Line)

Front	0' min. 8' min. to 12' max.	A
Side Street	8' min. to 12' max.	B
Frontage Type	Refer to Frontage Types	C

Building Facade Width at Built-To Area

Front	70% width of lot min.	
Side Street	30% width of lot min.	

Corner properties: Both street facades must be built within the Build-to Area for the first 30' min. from the corner. D

Other Setbacks (Minimum distance from property line)

Side – Principal Structure	0' min.	E
Accessory Structure	0' min. each side	
Rear – Principal Structure	0' min.	F
Accessory Structure	0' min.	

Lot & Block Configuration

Width	18' to 144'	G
Depth	n/a	H
Block Perimeter	1400' max.	

Allowed Use Types

Upper Floors	Residential, Commercial, Parking†	N
Ground Floor	Commercial	O

† = Refer to Specific District Requirements on following pages for additional information.

Building Form

Height

Principal Building	50' max.	I
Accessory Structure	30' max.	
Ground Floor Elevation	4' max. above sidewalk	J
Ground Floor Ceiling	14' min.	K
Upper Floor(s) Ceiling	9' min.	L
Parapet (if applicable)	3' min.	M

Building Types Allowed (See 4.5)

<input checked="" type="checkbox"/> Detached	<input checked="" type="checkbox"/> Common Wall
<input checked="" type="checkbox"/> Side Yard	<input checked="" type="checkbox"/> Courtyard

Facade Types Allowed (See 4.4)

<input checked="" type="checkbox"/> Porch	<input checked="" type="checkbox"/> Forecourt
<input checked="" type="checkbox"/> Stoop	<input checked="" type="checkbox"/> Terrace & Light Court
<input checked="" type="checkbox"/> Arcade	<input checked="" type="checkbox"/> Shopfront & Awning
<input type="checkbox"/> Open Front Yard	

Frontage Types Allowed (See Section 4.3)

<input checked="" type="checkbox"/> Classic Broadway	<input checked="" type="checkbox"/> Urban & Transit Corridor
<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural Suburban

Figure 33 Example of form-based code site plan approval considerations

- Design improvements can be promoted through flexible, recommended “guidelines”, or through required “standards” where appropriate. It is recommended that more complex issues of existing façade improvements be handled with flexible guidelines while more straightforward elements such as landscaping or signs have required standards. Most elements would be addressed only if new or replaced, while signs could potentially be addressed as part of a seven or ten-year “sunset” provision by which they would need to be in compliance.
- The form-based codes should be limited only to new construction in the downtown commercial portions of the village where infill development needs to match the historic form, massing and scale of the buildings.

More specific recommendations regarding the different zoning districts and code are provided below for guidance.

Industrial District. The existing Industrial (I) zoning district is a crucial element of this plan because it encompasses a majority of the riverfront land along the Hoosick River, and therefore can potentially have the greatest impact on future waterfront uses and economic development potential. Currently, this district is largely limited to industrial uses, some of which are outdated or are unlikely to return in this more modern era. Opening up this district to more varied and publicly-accessible uses would greatly expand the potential of the waterfront. Some recommendations are provided below:

- Several uses currently **not permitted** in the industrial zoning district should be considered for a change as allowable uses, such as: farm; cultural facility; museum; art gallery; retail store shop; restaurant (not fast food); bar; nightclub; auditorium or theater (outdoor)
- Several uses currently only permitted as **conditional uses** should be considered as allowable uses, such as: membership club; community recreational facility; off-street parking not on the same lot (for public use, such as trailhead parking)
- Several distinct uses, which are **not specifically listed** in the allowable use table, should be reviewed to ensure they would be permitted for the industrial district as allowed or conditional uses, such as: recreational equipment rental (kayaks, canoes, bicycles, etc.);
- Review or clarify the zoning code to ensure that more modern and emerging uses and technology are included in the industrial zone, such as: breweries, brew pubs, distilleries, clean technology or solar collectors.

Downtown Commercial. The Downtown Commercial (DC) district is perhaps the second-most important district with regard to impact on local waterfront recreation and economic development. Reviewing this district to ensure varied and attractive uses would help to expand the potential of the village. Some recommendations are provided below:

- Uses currently **not permitted** in the downtown commercial zoning district should be considered for a change as allowable uses, such as: Home occupation.
- Uses currently only permitted as **conditional uses** should be considered as allowable uses, such as: neighborhood grocery store (it is not clear why a neighborhood grocery store would require a conditional use permit, while supermarket or shopping center is simply allowed by right);
- Review or clarify the zoning code to ensure that more modern and emerging uses and technologies are considered for inclusion in the downtown, such as: electric vehicle charging stations; short-term rentals; solar and geothermal energy installations;

A note about short-term rentals. Short-term rentals, which covers the emerging trend of companies such as AirB&B or HomeAway, can be both a blessing and a curse for some communities. Many highly popular tourist destination communities such as Lake Placid and Woodstock have found there is a need to strongly regulate how these rental operations work in their community because they have had a negative effect on the availability of affordable rental property. Conversely, these communities greatly benefit from the new tourism they can bring in. Many other New York State communities are just beginning to develop individual solutions to this, and more work is yet to be done in finding the correct balance of how to allow their use, but the technology is here to stay and will likely continue to grow for many years. As Hoosick Falls grows and evolves, it could greatly benefit from this trend in local economic development by bringing in additional visitors and shoppers who seek to enjoy the local attractions, however it may need to consider future regulation to ensure it does not eventually become a nuisance.

Commercial Industrial. The Commercial Industrial (CI) district is an important district with regard to how it begins to link the downtown areas of the village to the waterfront down below. Some recommendations are provided below:

- Uses currently **not permitted** in the downtown commercial zoning district should be considered for a change as allowable uses, such as: Home occupation; Multi-family dwelling; Cultural facility; Museum; Art gallery; Restaurant (not fast food); Bar; Professional business;
- Uses currently only permitted as **conditional uses** should be considered as allowable uses, such as: membership club; Community recreational facility;
- Review or clarify the zoning code to ensure that more modern and emerging uses and technologies are considered for inclusion in the downtown, such as: electric vehicle charging stations; short-term rentals; solar and geothermal energy installations.
- Consider general expansion of areas within the village where multi-family housing could be accommodated to help provide more diverse housing options.

Zoning Map. The village may wish to consider expanding the Downtown Commercial and/or the Commercial Industrial district to the northwest, in the vicinity of Nixon Street and the former Oak-Mitsui site, so that this commercial activity begins to directly link down to the riverfront. This would ultimately create a much stronger community connection to the river. Commercial expansion in this area, or an expansion of commercial uses in the Commercial Industrial district, should be accompanied by adequate buffers and use restrictions to prevent adverse effects of noise and light on the adjacent residential neighborhoods.

The contents of the zoning code and any form-based or design code additions are completely within the control of the municipality, and detailed discussions regarding this could be initiated within the community with little or no outside funding required. Changes to the code, once adopted, could have immediate impacts on local economic development, particularly along the waterfront. For these reasons, it is recommended that this project or specific sub-sets of it be considered as a short-term priority.

As stated earlier, according to NYS Department of State (DOS) scope, this report constitutes a Local Waterfront Revitalization “Strategy”. This document fails to meet the ‘fully DOS adoptable LWRP’ requirements that relate to development regulations and local policies. It is recommended that the Village pursue the required regulations and policies that would make this document fully adoptable

as a DOS LWRP when reviewing overall zoning code updates and design guidelines (see Appendix B)

12. Adventure Tourism (Priority Term: Medium-Long)

The unique agricultural, cultural, and historical heritage in Hoosick Falls along with its waterfront creates a tourism opportunity that the Village can tap into. The Village is in the process of implementing projects that will increase tourism; these projects include the North Trailhead Project and Phase I of the Waterworks Road Kayak Launch Project. Building upon the current projects as well as increasing accessibility to the river will help promote adventure tourism.

Some ways that the Village will address accessibility to the river include having start and finish locations for kayakers and canoers. This also includes assessing the river for obstructions and determining a location for an entrance/exit staircase. Coordination with Rensselaer County Tourism and the Rensselaer County Chamber of Commerce is imperative to the success of adventure tourism in Hoosick Falls. Equally important will be understanding the infrastructure and regulatory needs of the industry.

13. Kayak Rental/Retail and Fishing Rental/Retail (Priority Term: Medium)

Another way to build upon adventure tourism is facilitating the opportunity for kayak and fishing retail and rental. Phase I of the Waterworks Road Kayak Launch Project creates an accessible area with parking for kayakers to get to the Hoosick River and launch their kayaks and canoes. Another way to advance this project would be providing an opportunity for private businesses to have a space for



Figure 34 Kayak rental at Fish Creek in Saratoga Springs, NY.
Source: <https://cute.wordpress.com/2012/03/18/kayak-shak-on-fish-creek/>

kayaking and fishing retail and rental opportunities. This would promote adventure tourism in the area and improve the economic development of the Village.

An example of this can be seen at the Kayak Shack on Fish Creek in Saratoga Springs, NY. Pop-up or mobile rental facilities for

personal watercraft or fishing gear may provide a more flexible but less cost-intensive solution. The Village will want to consider adequate utility services, restroom facilities, parking capacity and layout, and lighting and security measures to accommodate temporary, pop-up rental services firms.

14. Acquisition of Classic Street Properties (Priority Term: Long)

Acquisition of strategic properties on Classic Street would allow the Village to take more proactive approach to fostering desired economic development. Partners in this acquisition could include LDC and Hoosick Rising. These properties also provide a visual and physical connection from Main Street to the Greenway and the river. The ultimate goal of this recommendation would be to work with potential developers to remove redevelopment barriers and achieve mutually beneficial outcomes.



Figure 35 Classic Street properties.

15. Incorporating a Micro-Enterprise Program (Priority Term: Medium)

The purpose of the Microenterprise Grant Program is to provide training and financial assistance to entrepreneurs, start-up businesses, and “relatively new” existing businesses that will create entrepreneurial opportunities or jobs for persons who are low-to-moderate income (LMI). The Program is especially interested in assisting entrepreneurs who are, or businesses that are owned by low-to-moderate income persons. (<https://www.rd.usda.gov/programs-services/rural-business-development-grants>)

The Village must continue the push for small business assistance and has the potential to offer a pedestrian-oriented business environment but only if entrepreneurship and appropriate commercial networking is in place to fill store fronts. Funding through the USDA Revolving Loan Fund should be administered by the Village and the need for such financing persists in the local business community.

16a. John Street Pedestrian Mall / NY-22 Reconfiguration Feasibility Study (Priority Term: Short)

16b. Implementation of the Pedestrian Mall NY-22 (Priority Term: Long)

It is recommended that John Street be evaluated with different design options for conversion into a dedicated pedestrian mall, creating an inviting connection for people from Main Street down to Church Street and the nearby waterfront. This design should allow for exception for emergency vehicle access, and

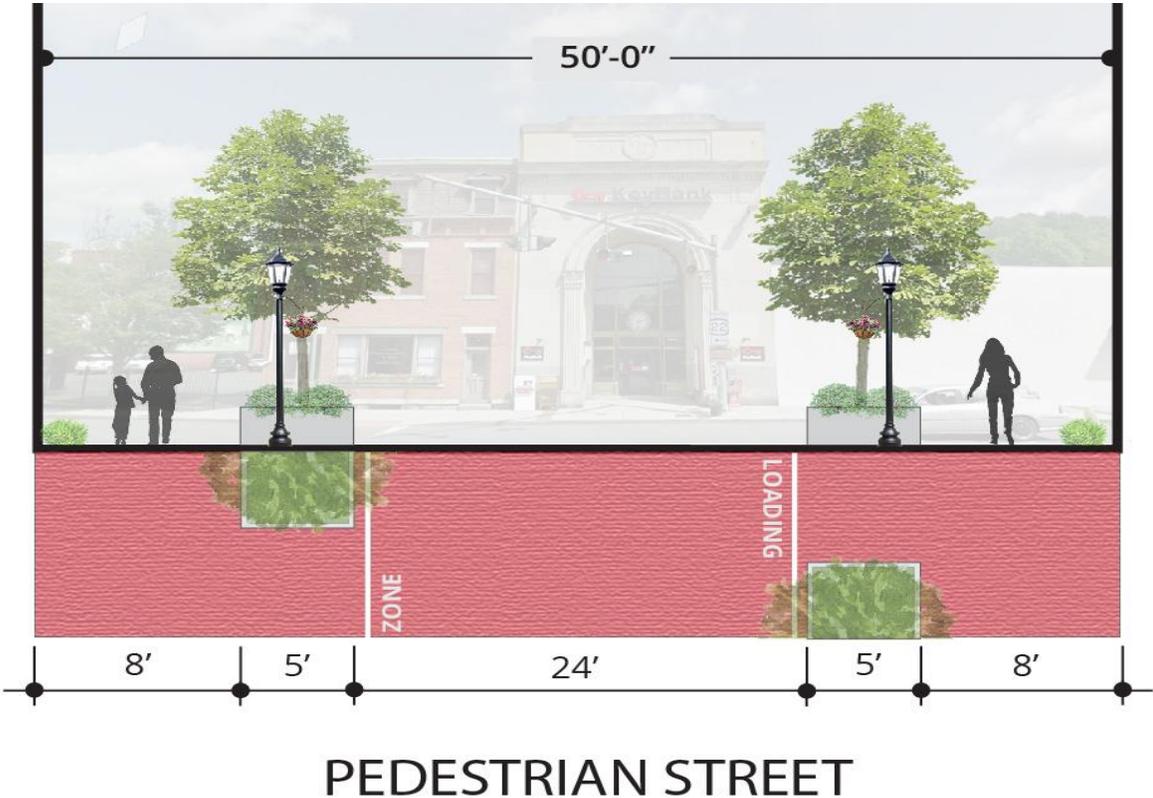


Figure 36 Potential street cross-section for John Street in Hoosick Falls

temporary access for delivery vehicles during selected hours of the day so as not to limit local businesses. Traffic control could be addressed with removable bollards. Large planters could be used to create a central "lane" where limited

truck deliveries occur that is separate from the pedestrian walking areas during those times for added safety. The potential alterations to traffic flow would need to be more carefully analyzed as part of a traffic study at the early stages of this evaluation, which include evaluation of truck turning movements and the need for any property acquisition. A potential circulation pattern would allow for vehicular traffic to come up the hill (east) on Classic Street, south on Main Street, West on Elm Street, and north on Church Street. It is recommended that any proposed design be tested as part of a temporary planned road closure where the community could experience how it might work, timed with local events which would make use of the pedestrian mall.

The design for the pedestrian mall should include a new enhanced streetscape, including new sidewalks, planters, street trees, amenities, decorations and special pavers which clearly identify the roadway as a “special” pedestrian way, while being durable enough to handle heavy truck traffic. Examples of similar pedestrian mall roadways include Jay Street in Schenectady. The pedestrian plaza could be used to highlight the connection down to the water as a very prominent “gateway” and host special outdoor events.

The full evaluation and design of this project would require a few years to complete, and would need to be carefully vetted with local businesses. For this reason, it is recommended that this project be considered for medium to long-term priority consideration.

17. Acquisition of River Road Property (*Priority Term: Long*)

The River Road Property is along the western bank of the Hoosic River on River Road and is currently in private ownership. The property currently has snowmobile trails running through it and it previously accommodated softball fields. The property is on 100-year and 500-year floodplains.

In order to protect the land and actuate it for the public’s use, it is recommended to pursue the acquisition of the property for the purpose of recreation and land conservation. In the event that acquisition is not feasible, the Village should pursue acquisition of an easement which would accommodate a riverside trail. Such an arrangement would connect Clay Hill to Village owned property along River Road just north of the River Street Bridge. Acquiring the property for recreation and land conservation will protect it as a natural resource from development. It will also protect the space from commercial development which would compete with Hoosick Falls’ downtown core.

As waterfront property, the land could also serve as a valuable public space. Similar to other public waterfront properties in the Village, there are a variety of recreational opportunities for the space. With the public’s input, this property could become another recreational point of interest within the Village.

18a. Woods Brook Daylighting Feasibility Study (Priority Term: Short)

18b. Woods Brook Daylighting Implementation (Priority Term: Medium)

(See section 4.5.5 Environmental Resources for an inventory of Woods Brook)

Woods Brook runs from the eastern boundary of the Village toward downtown and into the Hoosic River. After recurring flooding, several properties along the Brook are currently in the process of being publicly acquired to reduce flood risk and protect public infrastructure. Preliminary designs of the flood mitigation measures call for removal of structures, upstream stormwater detention, and culvert renovations. A full-fledged daylighting of the Woods Brook would not only strengthen flood mitigation further, but it would also provide a scenic, ecological, educational, and recreational resource for the Village.

The river is day-lighted from the eastern boundary and then is conveyed into a closed culvert system from Estabrook Ave to the Hoosic River. In order to address flood concerns and improve the value of the Village’s natural resources, it is recommended to perform a feasibility study focused on daylighting the brook.



Figure 37 Saw Mill Creek being grounded in 1922, Yonkers, NY.

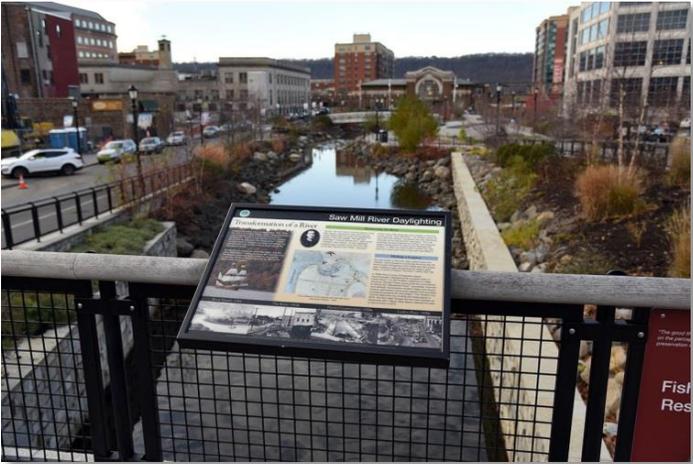


Figure 38 Saw Mill Creek was day-lighted in 2011, Yonkers, NY.

Daylighting Woods Brook could cause the waterway to be another valuable natural resource to the Village. If daylighting is feasible, it is recommended to surround it with resiliency measures and activate the brook as a recreational resource. The study will assess the feasibility of adding a trail along the brook and surrounding it with vegetation, scenic vistas, and wayfinding / interpretive signage. Brook-side trails could connect to the Hoosic River Greenway creating another access point and valuable recreational trail within the Village.

The Saw Mill River Daylighting Project in Yonkers, NY is a successful example of an urban stream daylighting project, albeit at a much larger scale. Images below show the “before” and “after” views of the subterranean culvert being installed in the mid-20th century as well as the restored path of the stream, streambanks, native vegetation, shoreline walking trails, and information panels. The project in Yonkers took several years to progress from design through multiple phases of construction.

19. Wood Block - Downtown Anchor Projects (Priority Term: Short)

Wood Block is in the heart of downtown Hoosick Falls, anchoring the northern end of Main Street between Classic and John Streets. Built in 1880, this massive masonry building is listed within the State and National Historic Registers of Historic Places as part of the downtown historic district.

Wood Block was purchased by Civic and Cultural Restoration, Inc. (CiviCure) in 2017 after a successful fundraising campaign. Their aim is to return this property to its former role as a center for the community and the arts. The stunning third-floor performance spaces of Wood’s Opera House will be returned to their former glory and the unoccupied second floor will be renovated to serve as gallery space, classrooms and workshops all in support of an arts-centered mission. CiviCure began this process by securing a NYS Main Street Grant in 2018. The funds will be used to replace the leaking roof.

In order to maintain the Wood Block as one of the Village’s historic and cultural resources, it is recommended to support future funding efforts by CiviCure.

20. Municipal Parking Study Update (Priority Term: Short)

The Village had a parking and pedestrian study conducted in the early 2000s with funding from the Capital District Transportation Council. While that study was useful and has been effectively implemented, the Village and travel in general

has changed since then and a new study is due. Such a study would benefit connections to the Hoosic River and the Greenway Trail.

21. Walter A. Wood Industrial Complex *(Priority Term: Medium)*

The Walter A. Wood Industrial Complex is located at the northern end of Church Street, across the Hoosic River from the Village's downtown core. The site used to accommodate the former Walter A. Wood Mowing and Reaping Machine Company until 1924. It is strategically located in the center of the Village with scenic views of the Hoosic River. The site is currently owned by the Rensselaer County Industrial Development Agency (RCIDA), it is industrially zoned, and not being utilized.

There are two recommendations that have been developed for the site; the site could be an indoor sports facility or it could be an emergency rescue/training facility. Both of these options may require zoning changes to accommodate their uses. It is recommended to market the site to companies that would fulfil the suggested uses.

22. Extend the Hoosic River Greenway *(Priority Term: Medium)*

The Hoosic River Greenway is a trail that runs along the eastern part of the Hoosic River and goes through the north and south boundaries of the Village. The Greenway is currently 2.5 miles long and has various access points throughout the Village. The northern trailhead is off of Sewer Plant Road and the southern trailhead is at Water Works Road. It is recommended to extend the greenway north to the hamlet of North Hoosick and southward connecting into the Corkscrew Rail Trail.

Extending the trail north and south can improve the Village's recreational resources and its economy. The recreational connectivity of the Village can be improved by connecting the trail to surrounding communities and other recreational points of interest. The greenway can be extended north to the hamlet of North Hoosick and Brown's and Bennington Battlefield. The greenway can also be extended southward into the Corkscrew Rail Trail, Ashuwillticook Rail Trail, and the Taconic Crest.

Extending the trail can increase its use which could help the Village's downtown economy since the trail runs through the Village's downtown core.

23a. Riverfront Park at Oak Mitsui Site Design Report (*Priority Term: Short*)

23b. Establishment of Riverfront Park at the Oak Mitsui Site (*Priority Term: Long*)

Beyond the prospect of establishing a riverfront terraced amphitheater as described in Recommendation #8a, the Village should consider the acquisition of the entire former Oak Mitsui site for the purposes of a Riverfront Park. In addition to the proposed amphitheater incorporating ACOE floodwall protection, the Riverfront Park would offer recreational and cultural space in the heart of the Village for nearby neighborhoods. Furthermore, the site's proximity to downtown businesses could help promote economic development and patronage. Amenities in the proposed park, such as a railroad history themed playground, will also help retain and attract young families and help stabilize the local workforce. Part A of this recommendation involves the feasibility analysis and design specifications of the proposed park while Part B will encompass land acquisition and construction of amenities and landscaping. (*see Appendix C for a Conceptual Map of the former Oak Mitsui site*)

SECTION 8.

CONCLUSION

The Hoosick Falls community has a long-standing tradition of collaboration in its development over time and the Local Waterfront Revitalization Strategy (LWRS) planning process represents that effort through a collective of voices mapping its vision for the future.

Hoosick Falls was built on our river, well before it was ever known by that name. From native peoples to early European settlers to industrial prominence of the 19th and 20th centuries, the Hoosic River was the critical characteristic in our evolving community. Hoosick Falls has been inspiring industrialists and artists alike for generations, including Grandma Moses who made the river the subject of her paintings.



Figure 39 Hoosic River and Downtown

Since the late 1940s, the river has been walled off and almost forgotten, excepting when there was an environmental disaster, human life tragedy or flooding emergency related to the river. The time has come to flip the script once again; our river should be a source of positivity as well as community, and economic growth. The prosperity of all communities that have existed here was based on the river. It should be a place for residents and visitors to gather for recreation and the appreciation of nature and its significance in our lives yesterday, today, and tomorrow. This plan was created with the belief that the river can once again be a source for social and economic growth.

Many plans have been crafted over the years and some have fallen into the dustbin of history. We hope that this plan does not meet that fate, but instead is referenced often as a guide for the direction the community wishes to move toward. This plan has some aspects that can be achieved today, while others may take a year or two, and still others could take a decade or more. Focus is

placed on both simple advances and some moonshot ideas, but all aspirations relate to the central tenant of recreation, community development, and economic development tied to the Hoosic River. Throughout the planning process, other proposed endeavors were considered by ultimately omitted, not for lack of being good ideas that should be explored, but because they do not fit with the scope and sequence of this plan.

Additionally, this plan was designed to be a living document that evolves and grows with the Village. The aggregate of ideas contained in this plan should be expanded and possibly altered over time.

This plan is a gift to our community, both present and future. It gives a nod to our past with our eyes on the future. It draws from our experiences over the years, and outlines a map for how to get to the next version of Hoosick Falls. A community is many things, but most of all it is the people who decide to call a place home. Hoosick Falls is special to us, and we have made a decision to be part of this community. Many mailboxes here have names on them which have been in this community for generations, and others are newer names. There are mailboxes that do not yet have names and we welcome new names to join our community and establish roots that grow deep for generations to come. We have a beautiful village with so much potential, and now we also have a comprehensive plan for how to be a place that people want to put down roots.

Welcome home to Hoosick Falls.

Respectfully submitted by the LWRP Committee



Figure 40 Corner of John Street and Church Street

APPENDIX A

PUBLIC PARTICIPATION DOCUMENTATION



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Project Kick-off Meeting #1
Hoosick Falls Village Hall
Wednesday, April 4, 2018
4:00 PM

1. Introductions and Agenda Review
2. LWRP Overview
 - Discuss purpose, sections, etc.
3. Role of the LWRP Committee
 - Roles and Expectations
4. Project Scope
5. Schedule and Timeline
 - Public Participation Milestones
6. Deliverables
7. Contract Reporting Requirements
8. Establish Boundary
9. Next Steps
 - Data Collection – Inventory & Analysis
 - Land Use Inventory – funded by the Hudson River Valley Greenway
 - Zoning Code Update
 - Community Outreach Plan
 - Set date/time/place for next Committee Meeting
10. Adjourn

This document was prepared with funding provided by the New York State
Department of State under Title 11 of the Environmental Protection Fund.



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP) Committee
Project Kick-off Meeting #1
Hoosick Falls Village Hall
Wednesday, April 4, 2018
4:00 PM

Meeting Location: 24 Main Street, Village Hall, Hoosick Falls, NY

Meeting Attendees: Committee: Joe Shaw, Local Development Corp./Hoosick Rising
Brian Bushner, Village Trustee
Timothy Deters, Hoosick Trading Co.
Jayne Stokes, Civicure
Aaron Buzzinski, Village Zoning Board
Consultant: Ted Kolankowski, Barton & Loguidice, DPC
Others: Meg Phillips, NYSDOS

This was the first meeting of the Village of Hoosick Falls LWRP Committee since the Village’s contract with Barton & Loguidice was approved by the NYS Department of State (DOS) and finalized. It served as the Project Kickoff Meeting (Task 6, “Second Project Meeting” under the DOS’ agreement with the Village). The meeting was attended by members of the Committee, the Barton & Loguidice consulting team, and others (see above).

Welcome, Introductions, and Agenda Review

Following the welcome, each of the attendees described gave their names and background to provide all with a sense of the breadth of expertise and experience represented in the Committee. Ted Kolankowski (B&L) then went through a brief overview of the agenda for the kick-off meeting.

Ms. Stokes mentioned that Civicure completed acquisition of the Wood Block building in April 2017.

LWRP Overview

Meg Phillips, project lead from the NYS Dept. of State, presented an overview of the Local Waterfront Revitalization Program including:

- The Value of LWRP and its role in Community Revitalization
- Comprehensive Framework for Municipal Planning Decision-Making
- DOS Staff Roles
- Planning Process and Required Elements
 - o Public Participation and Visioning
 - o Encourage Partnerships
 - o Inventory and Analysis
 - o Strategy for Realizing Goals
 - o Implementation
- Structure of the LWRP Plan
- LWRP Completion Procedures

Role of the LWRP Committee

Branching off from Ms. Phillips' discussion on the roles of DOS staff in the LWRP program, MR. Kolankowski further explained the duties and responsibilities of the consultant (B&L) and the Committee itself. The Committee's role is to guide and shape the Village's Local Waterfront Revitalization Plan by articulating issues, reviewing proposals, maintaining communication, assisting with public outreach, and reviewing draft work products. B&L's role is to provide expertise in long range community planning and redevelopment efforts to assist the Committee in developing a plan that represents the vision of the community, sets the blueprint for achieving the desired vision and goals, and fulfills DOS goals and requirements.

Project Scope

Mr. Kolankowski briefly reviewed the required work plan tasks in the contract between the Village and DOS. These included the following:

- Project Kick-off Meeting
- Preparation of a Community Outreach/Participation Plan
- Review of Community Planning and Waterfront Revitalization Initiatives
- Community Profile
- Identification of Priority Waterfront and Community Revitalization Initiatives
- Draft Local Waterfront Revitalization Plan
- Public Meeting
- Final Local Waterfront Revitalization Plan
- MWBE Reporting, Project Status Reports, and Final Project Summary and Measureable Results Forms

Regarding the MWBE participation requirement, Behan Planning has been retained on the project as a sub-consultant to B&L.

Discussion then turned to the establishment of a boundary for the LWRP study. The Village was eligible for LWRP funding when the Hoosic River was declared a "Designated Inland Waterway" by the NYS Legislature. There was some question about whether the Woods Brook had such a designation as well, however, it does not. An additional question about whether the boundary could extend beyond the bounds of the Village of Hoosick Falls to encapsulate the lands of the Village's sewer treatment plant to the immediate north of the Village. Ms. Phillips was going to check on the acceptability of this boundary. The Committee reached consensus on including the entire Village within the LWRP study area to account for revitalization issues and opportunities across the Village.

Conversation then turned to access needs for recreational along the Hoosic River. The Committee discussed the parameters for access and improvements along the stretch of the river with Army Corps of Engineers flood control infrastructure. A representative of the ACOE, likely from North Adams, should be invited to the next Committee Meeting – B&L and DOS will take on this task.

Project Schedule and Timeline

Mr. Kolankowski then presented a draft schedule to the Committee, explaining how seasonal travel tendencies sometimes limit public meeting attendance over the summer months. The Committee desires to get at least the Public Information Meeting and first Workshop in before July. The PIM is tentatively scheduled for May 21/22 while the workshop is planned for June 18/19. Mondays work best for the Village. Mr. Kolankowski mentioned the importance of tracking volunteer hours that can add up to account for some of the local match.

Deliverables

Mr. Kolankowski and Ms. Phillips referred to the work plan again for deliverables expected through the LWRP process.

Contract Reporting Requirements

Contract specifics like local match and Minority and Women-owned Business Enterprise (MWBE) participation were discussed. Ms. Phillips mentioned the need for a waiver due to the lack of a minority-owned business enterprise. However, the MBE waiver has already been approved and is on file.

Establish Boundary

Much of this boundary discussion happened earlier in the conversation. However, the Committee was able to clarify their wishes regarding the boundary on a large printed map produced by B&L. B&L will produce a map with the boundary specified at the next Committee Meeting.

Elements to consider:

- Woods Brook Study
- Floodplain Mapping
- Opportunities for purchase of adjacent lands
 - o Land Trusts (Rensselaer Plateau Alliance, Rensselaer Land Trust, OSI, Mohawk-Hudson Land Trust
 - o Native American Group – Brian to check on this.
- Industrial waterfront / potential contamination
 - o Oak Mitsui
 - o Oil Storage
 - o Honeywell
 - o All of the above are potential brownfields
- Future of Hoosick Falls Golf Course
 - o Potential conversion to condominiums
 - o Implications for further sedimentation nearby Woods Brook

Next Steps

B&L will continue data collection and review of existing studies, re-engage Mike Allen from Behan Planning, review Community Outreach Plan, present preliminary findings, maps, and the draft PIM presentation. The next meeting is scheduled for May 7 at 6pm at Village Hall. Bob Murphy will be in attendance with Ms. Phillips and Ms. Kolankowski participating via video conference.

- B&L will connect w/ Army Corps and see if they can send a representative to future committee meetings/workshops
- Ms. Phillips will find out if the parcel by the sewage treatment plant can be included in the LWRP boundary (technically Town property)
- Ms. Phillips will track down linkage study and distribute to group:
http://www.cdtcmpo.org/images/linkage_program/RenCoFinal/hoosfalls.pdf
- Ms. Phillips will look for volunteer time tracking sheet – see attached
 - o Volunteers can document their time at a rate of \$28.73/hour
- All – submit names of groups/organizations that should be invited to participate in the community workshops
 - o A few that came up during the meeting include Rensselaer Plateau Alliance, Open Space Institute, Mahican-Mohawk Trail (various groups involved w/ this), Hoosic River

Watershed Association?

- Ted will send out copies of land use map electronically

Next Meetings:

Next committee meeting – 5/7 @ 6pm – Meg will need to participate via Zoom

Public information meeting – 5/21 or 5/22

1st community workshop - 6/18 or 6/19

*Brian will confirm which dates Mayor Allen can attend upcoming public meetings

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Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Committee Meeting #2
Hoosick Falls Village Hall
Monday, May 7, 2018
6:00 PM

1. Introductions and Agenda Review
2. Committee Business
 - ✓ Meeting Minutes from Kick-off Meeting on April 4
 - ✓ Review of Project Timeline
 - ✓ LWRP Project Notices on Village Website
3. Study Area Boundary
4. Stakeholder Coordination
 - ✓ Rensselaer County
 - ✓ Town of Hoosick
 - ✓ Hoosick Falls Central Schools
 - ✓ Hoosac School
 - ✓ St. Mary's Academy
 - ✓ HAYC3
 - ✓ Rensselaer Land Trust
 - ✓ Rensselaer Plateau Alliance
 - ✓ Open Space Institute
 - ✓ Mohawk Hudson Land Conservancy
 - ✓ Army Corps of Engineers (ACOE)
 - ✓ Hoosic River Watershed Alliance
5. Community Participation Plan
6. Inventory and Analysis
 - ✓ Data Collection – Inventory & Analysis
 - ✓ Land Use Inventory
 - ✓ Concurrent Grant Projects
 - Woods Brook, Hoosic River Greenway, Water System
 - ✓ Previous Planning Documents
 - Hoosick Falls Zoning Code Update, Woods Brook Drainage Study, Linkage Study, Etc.

7. SWOT (Strengths, Weaknesses, Opportunities, Threats) Analysis

- 🍃 In particular, what issues relate to waterfront revitalization?
- 🍃 What are the priorities?

8. Next Steps

- 🍃 Public Information Meeting
 - *Purpose:*
 - *Inform the public of the project*
 - *Issues Identification*
 - *Date/Time/Location*
 - *Public Outreach Strategies*
- 🍃 Community Workshop #1 (Late June 2018)
 - *Date/Time/Location*

9. Adjourn

This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP) Committee
Meeting #2
Hoosick Falls Village Offices
Monday, May 7, 2018
6:00 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees:

Committee:	Joe Shaw, Local Development Corp/Hoosick Rising Brian Bushner, Village Trustee Timothy Deters, Hoosick Trading Co. Jayne Stokes, Civicure Jasen VonGuinness, Property Owner Paula Kamperman, Hoosic Greenway/Local Realtor
Consultant:	Bob Murphy, Barton & Loguidice, DPC (B&L) Michael Allen, Behan Planning & Design
Others:	Meg Phillips, NYSDOS (via conference call)

This was the second meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee, the Barton & Loguidice consulting team, and others (see above).

Welcome, Introductions, and Agenda Review

Following the welcome, each of the attendees described gave their names and background to provide all with a sense of the breadth of expertise and experience represented in the Committee. Bob Murphy from B&L was introduced as the project lead after Ted Kolankowski had initiated the project in April. Michael Allen from Behan Planning & Design was also introduced to the Committee as a consultant on the project. Mr. Murphy then went through the agenda briefly then went through a brief overview of the agenda for the kick-off meeting. Meg Phillips of NYSDOS participated via conference call.

Committee Business

When all Committee Members present had introduced themselves and their backgrounds, the meeting transitioned into the Committee Business segment. The Summary Notes from the Committee Kick-off Meeting had been distributed via email in mid-April. No outstanding issues with the Summary Notes were raised and were thus approved by the Committee.

Mr. Murphy raised the question of posting project documents, such as Committee Meeting Minutes and upcoming dates, on the Village website. Brian Bushner said he would work with the current webmaster to find a place to post project-related documents.

Mr. Murphy then presented a tentative schedule for the project going forward. First, the Committee discussed the Public Information Meeting which had been scheduled for Monday, May 21 at 6pm. Trustee Bushner confirmed that that date had been approved by the Mayor and that he was confident

that it could be sufficiently advertised in the run-up to May 21. He also said he would confirm the availability of using the Hoosick Falls Jr./Sr. High School Cafeteria for the venue.

In general terms, the Committee discussed a tentative schedule for a pair of Public Workshops to be held subsequent to the Public Information Meeting. While no date was pinned down, it was suggested that the first Public Workshop could be held in late June or early July with the second following in late summer or early fall. Special concern was given to the prospect of low attendance during the summer months due to the greater prevalence of events and travel. It was discussed that having the first workshop before summer could work, allowing the summer months for development of the plan and recommendations before re-approaching the public in September. Possible community events to piggy-back on include the Wednesday night concerts in the park and the annual Summertime Block Party. The contract for the project currently runs to May 1, 2019.

Study Area Boundary

Summary Notes from the Committee Kick-off Meeting indicated the Committee's desire to include the entire Village area, plus contiguous Village-owned land to the north of the municipal line, as the Study Area Boundary for the LWRP project. This was confirmed by the Committee and Meg Phillips said she would confirm the acceptability of this with DOS.

The parcels of Village-owned land to the north of the municipal line consist of the Village Sewage Treatment Plant and the Hoosic River Greenway Trail. Both properties are located along the Hoosic River and offer significant waterfront recreation opportunities and connections to other resources.

A brief synopsis on the Woods Brook Flood Mitigation Project was provided by Trustee Bushner. In relation to the LWRP, the Army Corps of Engineers (ACOE) flood treatments installed in the mid-20th century are no longer along the Hoosic River required due to changes in down-river impoundment.

Stakeholder Coordination

Transitioning from the discussion regarding the upcoming Public Information Meeting, stakeholder engagement was discussed. Many potential stakeholders were identified at the Kick-off Meeting while others were added subsequently. Ms. Phillips suggested meeting with the student government at the public school as a way to solicit youth engagement. The list of potential stakeholders, as well as Committee Members responsible for contacting them, is listed below.

- B&L:
 - o *Rensselaer County*
 - o *Army Corps*
- Behan Planning
 - o *Rensselaer County Land Trust*
 - o *Rensselaer Plateau Alliance*
 - o *Open Space Institute*
 - o *Mohawk Hudson Land Conservancy*
- Paula Kamperman
 - o *Hoosick Area Church Association (HACA)*
 - o *Hoosac School*
 - o *St. Mary's Academy*
 - o *HAYC3*
- o *Hoosic River Greenway Committee*
- o *Youth Center*
- Jayne Stokes
 - o *Civicure*
- Joe Shaw
 - o *Hoosick Local Development Corp.*
- Brian Bushner
 - o *Town of Hoosick*
 - o *Hoosick Falls Central School District*
 - o *Village Fire Department*
 - o *Village Police Department*
 - o *Hoosic River Watershed Association (HooRWA)*
 - o *Hoosick Historical Society*

Press releases can be directed to the Eagle, Eastwick Press, Bennington Banner, Troy Record, and Village-administered Facebook pages. Ms. Phillips also mentioned that there's \$500 in the project budget for advertising.

Community Participation Plan

Mr. Murphy mentioned the need for a Community Participation Plan relating to the LWRP project to the Committee. This is something that B&L will prepare for Committee review before submittal to DOS for their review and approval. The Community Participation Plan basically outlines the means by which the Committee will solicit public involvement in the LWRP. Planned public meetings, workshops, and hearing as well as stakeholder outreach and various media postings constitute the meaningful parameters of a Community Participation Plan.

Inventory and Analysis and SWOT

Mr. Murphy discussed that this effort was already underway since the Village retained B&L on its Land Use Inventory Project, funded through the Hudson River Valley Greenway. Land Use, Zoning, and Non-Conforming Uses Maps were laid out for Committee discussion. Further, other concurrent projects such as the municipal water efforts, Hoosick River Greenway Trail, and the Woods Brook were discussed.

Preliminary demographic and physical analysis of the study area will be included as part of the presentation during the Public Information Meeting on May 21 to help frame discussion with members of the public.

An objective of the Public Information Meeting will be feedback on the strengths, weaknesses, opportunities, and threats of the Village of Hoosick Falls, particularly as they relate to waterfront revitalization. The Committee briefly discussed the list of strengths as an exercise. Among the elements listed as Strengths were as follows:

- Hoosick River
- "Blank slate"
- Great place to raise kids
- Good amenities for such a small town
- Good infrastructure capacity
- Good infill capacity from lost industry
- Reasonable home prices
- A unique identity
- Former opera house, Recording studio, Musical history, Eberle Brothers
- People willing to invest in their properties

Next Steps

In the immediate term, the priority is to promote the Public Information Meeting (PIM). Mr. Allen and Mr. Murphy would draft up a press release for the local papers along with talking points for stakeholder outreach. Other items include:

- Committee members will reach out to stakeholder organizations to make them aware of the PIM.
- B&L will develop a draft Community Participation Plan for the next Committee Meeting.
- B&L will develop a presentation for the PIM and a format for feedback solicitation.
- B&L will prepare Meeting Minutes.
- B&L will distribute digital copies of the maps presented at Committee Meeting #2.
- Ms. Phillips (DOS) will confirm the approval of including the Village-owned parcels north of the municipal boundary within the LWRP Study Area Boundary.

- Trustee Bushner and Ms. Kamperman would work to get the press release in the newspaper.
- Trustee Bushner will confirm the availability of the Hoosick Falls Jr./Sr. High School for the PIM on May 21.
- Trustee Bushner will inquire with the Village's website webmaster about getting LWRP documents and announcements posted.

Next Meetings:

- Public Information Meeting
 - o Monday, May 21, 2018: 6pm - 8pm
 - o Hoosick Falls Jr./Sr. High School Cafeteria
- Committee Meeting #3
 - o Monday, June 11, 2018: 6pm - 8pm
 - o Village Offices, 24 Main Street, Hoosick Falls, NY



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP)
Project Information Meeting
Hoosick Falls Jr. / Sr. High School Cafeteria
Monday, May 21, 2018
6:00 PM

Meeting Location:	Hoosick Falls Jr. / Sr. High School, 21187 NY-22, Hoosick Falls, NY
Meeting Attendees:	Committee: Joe Shaw, Local Development Corp/Hoosick Rising Brian Bushner, Village Trustee Timothy Deters, Hoosick Trading Co. Jayne Stokes, Civicure Paula Kamperman, Hoosic Greenway/Local Realtor
	Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L) Michael Allen, Behan Planning & Design
	Others: Meg Phillips, NYSDOS; Linda von der Heide, Rensselaer County Planner
	Public: See attached sign-in sheet

This public engagement constituted the Public Information Meeting regarding the Village of Hoosick Falls LWRP. The purpose of the meeting was to inform the public about the goals of the project, the role of the public throughout the process, and to identify preliminary issues to be analyzed in the planning document. The meeting was attended by members of the Committee, the Barton & Loguidice consulting team, and others (see above). A number of students from Hoosick Falls High School were in attendance as well.

Presentation

Bob Murphy from B&L began the meeting at about 6:05pm by first introducing members of the LWRP Committee, Mike Allen, and Meg Phillips. Mr. Murphy, Ms. Phillips, and Ms. Allen then alternated speaking as the presentation described the basis for the LWRP project in Hoosick Falls, goals of the project, project timeline, potential recommendations to come out of the plan, and some preliminary mapping and Census data regarding the Village.

Issues Identification Discussion

Toward the end of the presentation, the focus shifted from informing the public to soliciting feedback about issues and opportunities currently affecting the Village. Mr. Murphy explained how the consulting team and meeting participants would engage in a primitive "SWOT" (Strengths, Weaknesses, Opportunities, and Threats) Analysis in an open forum format using an easel at the front of the room. The group then discussed the following topics:

- 1) What do you like about living / working in Hoosick Falls? What is working? What should be enhanced or protected?
- 2) What problems / concerns should be addressed though the Plan? What can be done to improve life in Hoosick Falls?

- 3) List 3-5 priority concerns. What would we like to accomplish in regards to each concern? What are some of the obstacles to accomplishing each concern?

The following outline summarizes the discussion and responses from the public to these prompts:

SWOT Discussion:

- 1) *What do you like about living / working in Hoosick Falls? What is working? What should be enhanced or protected?*
 - Could market emphasis on participation in athletics by community members of all ages – kids and adults
 - Sticking together
 - Small town cohesiveness – how to market this
 - Community will support local people – this is important
 - Access to medical care – care facility on north end of Village
 - High quality library
 - Really good historical society
 - Hoosic River Greenway – trail snakes along the waterfront
 - Manufacturing Heritage – Walter A. Wood Reaping and Mowing
 - Farm equipment manufacturer of late 1800s
 - Wood Block, former historic concert hall/opera hall – planning a concert series
 - One of the few remaining historic structures of the Walter A. Wood legacy
 - Civicure – restoring two performance spaces
 - Music and Visual Arts – history and present
 - Highly walkable Village including neighborhoods
 - Recreational resources
 - Swimming pool
 - Ice rink
 - Hoosic River Greenway
 - Fishing
 - Kayaking – north and south
 - Golf Course
 - Tennis and basketball courts
 - Little League, Softball, and Baseball fields
 - Quality, affordable housing stock
 - Scenic landscapes surrounding the Village
 - Potential for agritourism?
 - Close to NY Route 7 – Vermont-bound tourism traffic that could be captured
 - Gentleman says a high % of eastbound trucks split off NY Route 7 and onto NY Route 22 (~60%)
 - Commercial opportunities should not be ignored
 - The economic future of the Village doesn't need to be entirely tourism-based
 - Natural resources abound for use in business
 - Agriculture
 - Lumber

- Organic meat, dairy
 - Fresh market for produce
- Most agriculture is dairy here
 - What about locally grown ag/agritourism products?
- Internet is accessible with ample capacity in the Village
 - This has opened up opportunities for small, home-based businesses
- Charlemont, Massachusetts – “ZOR Outdoors”, expanding into Wilmington – excellent model for integrating recreational assets with economic development
- The Village is a safe community
- Strong schools
- A lot of social organizations
- Open-minded citizens with regards to future land uses
- A lot jobs continue to be provided in the local economy including new openings
 - “Green shoots”
- Adaptive re-use – former factory buildings being redeveloped, former school house now apartments

2) *What problems / concerns should be addressed though the Plan? What can be done to improve life in Hoosick Falls?*

- Replace concrete floodwall
 - Replace with grass berm
- Replace the dam north of the Village by the Village Sewer Plant
 - Pan Am Railways / National Grid own “Sewer Plant Road”
 - Can we change the name?
- Sidewalks are in disrepair – many built during the Great Depression
 - Sidewalk Ordinance states that the DPW will do a 50/50 match with property owners to cover the cost of new/upgraded sidewalks
 - Many sidewalks lack ADA compliance
- Segment missing in the Hoosic River Greenway
 - Empty lot where Church Street meets Water Street
 - This could be an access point to the trail and waterfront
 - Opportunity for the Village to acquire this parcel
 - Need better fishing/kayaking access especially downtown in the Main Street/Classic Street area
- Internet is available, but not fibre optic
 - It enters the Village from the north, but stops at the Health Center
 - What about a wireless downtown with municipally-provided wi-fi?
- “The Town IS the Village” – Village and Town could still work more closely
 - Symbiotic relationship between the Village and Town
 - The Town and Village have been working cooperatively on the Woods Brook project
- Village Gateways – design of signage needs to be updated
 - Much nicer to arrive via Hill Road vs. Rte 7 to Rte 22 from south
 - Vacancies on Church Street don’t showcase the potential of the Village

- Lacking pride of ownership in some areas which could be nicer
- Senior Center – could be improved
- Façade improvements needed
 - o Eagle Hotel – next to Chinese food
- The visual / natural beauty is mostly found in the rural surrounding town – need to try and protect that
- “Breathing Lights” public art campaign in Albany, Schenectady, and Troy – funded by Bloomberg
- Would prefer to have local businesses in lieu of outside/chain businesses
 - o How to market the Village to this?
- Increasing tax revenue should be a goal for the Village in order to help keep residential property taxes low
- Need an “in-between” housing style and variety of housing options
 - o There’s diversity of age in the community but not a diverse stock of housing options
 - o A lot of multi-family housing was illegally created
 - o Multi-family is not permitted in any residential zoning district
- River is inaccessible, especially to young children and the elderly
- Housing available for new families is affordable, but it is old and need \$\$ to help fix up
 - o Should pursue housing rehab grants
- Need chickens allowed – should be a different mechanism for implementing enforcement
- Need a maker-space for light manufacturing entrepreneurs
- Need more places for art installations
- Antiquated industrial zoning and geographic coverage along waterfront
- Should be a situation where “we live here not because we have to, but because we choose to”

3) *List 3-5 priority concerns. What would we like to accomplish in regards to each concern? What are some of the obstacles to accomplishing each concern?*

I. Access to the Waterfront

a. Opportunities

- i. Make it an integral part of the Village
- ii. Optimize use of the riverfront
- iii. Integrate with the Village visually and psychologically

b. Obstacles

- i. Physical, visual, and psychological obstructions
- ii. Naysayers – “it’ll never happen here”
- iii. Property ownership
- iv. Zoning

II. Economic Development

a. Opportunities

- i. How to market the Village to the outside world?
- ii. Seek river-related businesses
 - 1. Open up land along the river for some commercial development (i.e. restaurants)
- iii. Branding / outside perspectives

- iv. Turn our weakness into a strength
 - 1. Farm-to-table, artist community
 - 2. "Green village" as inspiration for art and recreational opportunities
 - b. Obstacles
 - i. Negative perceptions
 - ii. Internet and office stock infrastructure
- III. Property Upkeep
 - a. Opportunities
 - i. Ornate commercial buildings and housing
 - ii. Safe neighborhoods and scenic rural landscapes
 - b. Obstacles
 - i. Pride in ownership
 - ii. Absentee landlords
 - iii. Limited resources for code enforcement

Mr. Murphy said he would summarize the feedback received for discussion with the rest of the LWRP Committee at its next meeting, set for June 11 at 6pm at the Village Offices.

Next Steps

Next Meetings:

- Committee Meeting #3
 - o Monday, June 11, 2018: 6pm - 8pm
 - o Village Offices, 24 Main Street, Hoosick Falls, NY
- Community Visioning Workshops
 - o Tentatively Proposed: Early July and Early September

The meeting officially concluded at 8:10pm, although conversation continued afterward.



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Committee Meeting #3
Hoosick Falls Village Hall
Monday, June 11, 2018
6:00 PM

1. Introductions and Agenda Review
2. Committee Business
 - ✔ Meeting Minutes from Kick-off Meeting on May 7
 - ✔ Summary Notes from PIM on May 21
3. Community Participation
 - ✔ Recap of PIM
 - ✔ Project Website Status
 - ✔ Draft Community Participation Plan
 - ✔ Coordination with Rensselaer County Planning
 - ✔ Visioning Workshop – Early July?
3. Preliminary Draft Inventory & Analysis
 - ✔ Demographics
 - ✔ Physical Inventory
 - ✔ Existing Studies
4. Draft Community Participation Plan
5. Next Steps
 - ✔ Visioning Workshop #1 (Early July 2018?)
 - *Date/Time/Location*
 - *Public Outreach Strategies*
 - ✔ Next Committee Meeting
 - *Date/Time/Location*
6. Adjourn



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP) Committee
Meeting #3
Hoosick Falls Village Offices
Monday, June 11, 2018
6:00 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees: Committee: Joe Shaw, Local Development Corp/Hoosick Rising
Brian Bushner, Village Trustee
Timothy Deters, Hoosick Trading Co.
Paula Kamperman, Hoosic Greenway
Rob Allen, Village Mayor

Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L)

Others: Meg Phillips, NYSDOS (via conference call);
Two (2) unnamed high school students

This was the third meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee, the Barton & Loguidice consulting team, and others (see above). Committee Members Jayne Stokes and Jasen VonGuinness were absent from this meeting.

Welcome, Introductions, and Agenda Review

Following the welcome, each of the attendees described gave their names so that Ms. Phillips could understand who was in the room via her participation by conference call. Mr. Murphy then went through the agenda briefly then went through a brief overview of the agenda and goals for the meeting.

Committee Business

The Summary Notes from Committee Meeting #2 and the Public Information Meeting (PIM) had been distributed via email in late May. Mr. Murphy and Ms. Kamperman offer a few minor comments from the notes on Committee Meeting #2 but pending these edits, the notes were finalized.

Some time was spent in review of the Summary Notes from the PIM to ensure that all feedback was captured and to update Mayor Allen who was unable to attend the PIM. Among the topics of discussion included the following:

- Chuck Stills' comments on traffic on NY-22 and NY-7
 - o B&L should produce a map that details Average Annual Traffic Volume on these roads
 - o Mr. Shaw brought up the Bennington Battlefield as a draw for bringing motorists northward on NY-22 (then eastward on NY-67)
 - 10,000 visitors per year
 - Managed by Grafton Lakes State Park
- Mr. Bushner urged looking toward the Hoosic River Revival Project in North Adams as a way to soften flood mitigation treatments with community gardens, access to the river for water-borne

activities

- Potential for learning from North Adams transformation – could we get in touch with someone from their planning dept. and ask if they would be willing to talk w/ the committee about their approach and process?
- Reconstruct flood wall as a natural berm with recreational functionality for trails, car-top boat access, fishing, sit-table terraces, etc.
- On-going Village initiative to revitalize Waterworks Park
- Is swimming permitted in Hoosic River?
- B&L should create a waterfront/access/trail active and planned projects map
- Potential Access Points
 - Oak-Mitsui Property
 - West side of Hoosic River along River Rd.
 - Waterworks Park
- Footpath beneath railroad tracks at Rodgers Ave Extension – connection to Waterworks Park
- Land Bank Establishment
 - Identify any land banks/land trusts operating in the area and include that information as part of the inventory and analysis
- West bank of the Hoosic is more accessible than the east bank. Does it make sense to concentrate access points on that side?
- Need to involve ACOE. Might need to work with DOS to pursue involvement of ACOE and options to soften flood wall.
- What does “Green Village” mean?
 - Clean energy generation/usage, recycling
- Possibilities for municipal Wi-Fi
 - Bouncelink
 - Spectrum
- Village currently has enough internet capacity and accessibility, more of an issue in rural areas of the town.
- Façade Improvements
 - Grant funding to incentivize this
- Old Firehouse Tavern
 - Lack of a market to induce property investment
- Difficulties posed by historic district designations
 - Iron Coffee building as a case study
- Mr. Shaw stated concern in garnering public interest in the project due to its high-level visioning nature at this time. He suggested referring to specific projects as a way to increase public interest.
- Key projects to evolve out of this plan:
 - Reconstruction of the flood protection on the east bank of the river
 - Public access points on the west bank of the river
 - Portage areas where needed
 - Zoning change recommendations
 - Removal of obsolete dam in river
- Development of an online survey as a way to increase community engagement
- Idea of developing some sort of high school club to elevate the Hoosic River through recreation, art, etc.
 - Targeting the 2nd Public Workshop for involvement with high school in September

While it was originally intentioned that a public visioning workshop would be the next step in the LWRP process, the Committee concluded that they needed to be further along in the draft Vision, Goals, and Objectives phase before taking it to the public. As such, another Committee Meeting was scheduled in advance of the Visioning Workshop tentatively scheduled for mid-July.

Next Steps

Mr. Murphy stated that he needs to progress draft items and get them ready for review before the Committee at the next meeting scheduled for Monday, June 25. Tasks include:

- B&L to compile summary notes for Committee Meeting #3.
- B&L will develop a draft Community Participation Plan for the next Committee Meeting.
- B&L to complete Draft Inventory Section.
 - o Including a traffic volume map and waterfront projects concept map
- B&L to develop draft Vision and Goals.
- B&L to develop draft online community survey questions.
- Trustee Bushner will work on getting LWRP documents onto Village website

Next Meetings:

- Committee Meeting #4
 - o Monday, June 25, 2018: 6pm - 8pm
 - o Village Offices, 24 Main Street, Hoosick Falls, NY
- Public Visioning Workshop
 - o (*TENTATIVE*) Monday, July 16, 2018: 6pm - 8pm
 - o (*TENTATIVE*) John A. Murphy Rensselaer County Regional Senior Services Center, 69 Church Street, Hoosick Falls, NY



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP)
Committee Meeting #4
Hoosick Falls Village Hall
Monday, July 2, 2018
6:00 PM

1. Introductions and Agenda Review
2. Committee Business
 - ✔ Meeting Minutes from Committee Meeting #3 on June 11
3. Community Participation
 - ✔ Project Website Status
 - ✔ Draft Community Participation Plan
 - ✔ Visioning Workshop
4. Preliminary Draft Inventory & Analysis
 - ✔ Demographics
 - ✔ Physical Inventory
 - ✔ Existing Studies
5. Draft Vision Statement, Goals, and Objectives
6. Next Steps
 - ✔ Visioning Workshop #1
 - *Date/Time/Location*
 - *TENTATIVE: Monday, July 16, 2018*
 - *6-8pm*
 - *John A. Murphy Rensselaer County Regional Senior Services Center,
69 Church Street*
 - *Public Outreach Strategies*
 - ✔ Next Committee Meeting (#5)
 - *Date/Time/Location*
7. Adjourn



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP) Committee
Meeting #4
Hoosick Falls Village Offices
Monday, July 2, 2018
6:00 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees: Committee: Joe Shaw, Local Development Corp/Hoosick Rising
Timothy Deters, Hoosick Trading Co.
Paula Kamperman, Hoosic River Greenway Trail
Jayne Stokes, Civicure
Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L)
NYSDOS: Meg Phillips – via voice conference

This was the fourth meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee, the Barton & Loguidice consulting team, and others (see above). Committee Members Jasen VonGuinness, Rob Allen, and Brian Bushner were absent from this meeting.

Welcome, Introductions, and Agenda Review

Mr. Murphy briefly went through the agenda and goals for the meeting. This meeting was originally intended to take place on Monday, June 25, but was postponed due to a special meeting regarding the Village's water settlement.

Committee Business

Committee approved meeting minutes from Committee meeting #3 on June 11.

Some time was spent in review of the Vision statement and goals. Mr. Murphy projected the vision statement and goals as the committee looked through and had minor comments that Mr. Murphy edited on the spot.

Among the topics of discussion included the following:

- Include more stakeholders, how do we get more interest?
 - o Fear of conflict with Hoosick Rising
- Local Development Corporation is attempting to consolidate Village/Town website
 - o A streamlined website could help meetings get more attention
- St. Mary's Church
 - o Just had a congregation meeting with Diocese officials from Albany
 - o Church was damaged by flooding in 2017, recently vandalized may be relocated
 - o Situation remains In flux
 - o Father Tom – key community member to involve in the LWRP project
- Negative connotation from water crisis

- Property on west side of river
 - o Low-hanging fruit for increasing access to the Hoosic for recreation
- "Tasteful graffiti"
 - o Can this be encouraged along any concrete flood hardening installations?

Community Participation

- Mr. Murphy is to work with Brian Bushner on Project website.
- Mr. Murphy has emailed and distributed the Draft Community Participation Plan to Committee
- Committee has decided that Visioning Workshop may need to delay until August

Preliminary Draft Inventory and Analysis

- Demographics and physical inventory were tabled for discussion
 - o B&L will distribute inventory section via email to Committee
- Existing studies from Zoning Code Update Tech Memo were discussed with Committee

Draft Vision and Goals

- After passing out paper copies of the Draft Vision and Goals, developed by Mr. Murphy, the Committee reviewed and conducted live editing of the document using a projector attached to Mr. Murphy's laptop.
- See attached document on what was developed.
- General Comments on Draft Vision and Goals:
 - o Should include a "Founded in..." statement
 - o "Nestled in the valley" was a theme to be described in the Vision Statement
 - o "vibrant" and "countryside" as terms in place of "serine" and "agrarian"
 - o Should mention the appreciation of history in Hoosick Falls including the American Revolution
 - o Sometimes we, as residents of Hoosick Falls, forget about the "Falls" that lent itself to the Village's name. Should we include reference to the falls of the Hoosic River?
- The Committee is invited to review and provide comment on the Draft Vision and Goals via email correspondence amongst the entire Committee.

Next Steps

- Due to the delay in having this Committee Meeting, difficulty in reserving the County Senior Center, and a need to generate sufficient community buzz, the Visioning Workshop will be postponed until August.
- Visioning Workshop #1 postponed until after "Rock-the-Block" event. Rock-the-Block will offer an opportunity to set up a table and generate interest in a subsequent LWRP Workshop.
 - o Rock-the-Block is scheduled for either August 1 or August 8. Paula Kamperman to confirm.
 - o Visioning Workshop #1 is to be scheduled for a week or so after Rock-the-Block. This remains to-be-determined.
- B&L to distribute Draft Vision and Goals to Committee
 - o Committee members to provide feedback via email.
- B&L to distribute Draft Inventory and Analysis Section including demographics
 - o Committee members to provide feedback via email.
- Committee members to provide feedback on Draft Community Participation Plan
 - o CPP to be finalized at next Committee Meeting

- B&L and Committee will coordinate and schedule next Committee Meeting and Visioning Workshop via email during July.

Next Meetings:

- Visioning Workshop #1
 - o August – date/time unknown
 - o Location – Village Fire House, still needs to be reserved.
- Committee Meeting #5
 - o Unknown



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP)
Public Visioning Workshop
Unihog BBQ Restaurant, 2 Center Street, Hoosick Falls, NY
Wednesday, September 12, 2018
5:30 PM

Meeting Attendees:

Committee: Joseph Shaw, Local Development Corp/Hoosick Rising
Brian Bushner, Village Trustee
Jayne Stokes
Consultant: Bob Murphy, Barton & Loguidice (B&L)
Michael Allen, Behan Planning & Design
Others: Megan Phillips, NYSDOS
Carmen Bogle, NYS Assemblyman Ashby representative
Jenn Hyde, Town of Hoosick Councilperson
Art Hyde
Nancy Mills
Ric DiDonato
Cliff Belda
Marianne Zwicklbauer

The goal of this workshop was to receive public input on the vision of Hoosick Falls and the relationship to its waterfront. The workshop generated ideas for tactics, strategies, and policy recommendations that support the goals of the community.

Presentation

After welcoming everyone, Bob Murphy (B&L) started the meeting with a presentation that included:

- The Project Team
- What is Local Waterfront Revitalization Plan?
- The Development of the Plan
- The Future of the Hoosic River Waterfront
- And the Next Steps following this workshop

Stations on Key Issues

Station One: Economic Development

- What sort of businesses would you like to see Downtown? What sort of water-related businesses?
 - Kayak-rental, equipment
 - New launch at Waterworks Park
- Pretend we have billions of dollars, what should we do for economic development along the Hoosic River?
 - Sit outside and eat near water
 - Portland, Maine examples
 - Bike Path along the water – Hoosic River Greenway Trail
 - o Attractiveness to entry – gateway to the water
 - Provisions for walking, kayaking
- How could this be marketed? What words come to mind?
 - Not really white water – but adventure
 - Zoar outdoors of Deerfield River in Charlemont, Massachusetts.
 - Fishing; trout fishing is exceptional in the Hoosic River near the Village
 - Fly fishing, tackle & gear. Like Orvis in Manchester, Vermont
 - Kayak-history – Native American – history
 - o Ties in with DOS mission
 - o Oswego Expeditions example
 - You don't have to use the river to enjoy it – just having access, being there, and looking at it is enjoyable
 - Demographics
 - o A low percentage of people work at home
 - Co-working Space
 - o Arts co-operative; artist housing – These are appropriate uses downtown and along the riverfront.
 - Amphitheater/performance space along the water
 - Bike/cross country ski rental
 - o Don't forget winter activities
- At what locations would you like to see these improvements?
 - The area right around the bridge at Water Street.
 - The floodwall along the Hoosic River should be modernized. (I.E. access points, terraces, vegetation)
 - The Federal Government would decommission project if we weakened the existing protections; the Army Corp.
 - o What about a second wall that would not touch the first wall?
 - Troy Riverfront Park example:
 - o They have flood protection/control wall, but it isn't ugly, it is an attractive outdoor performance space/seating.
- What would the other downtown access points be?
 - Rezoning: northwest of center is this good for commercial, or should it be kept natural? It is currently zoned as industrial? Recreational? Mix of use?
 - Visitors are not going to know about something on the other side of the river when they travel through town – needs to be more visible.
 - o The business district should remain on the South East side of the Hoosic River.
 - o We do not want to take energy away from the established urban core.

- Adding more commercial sites on the North West side of the river would compete with vacant sites downtown.
- People who travel through Route 22 are not looking to stop
- Syracuse University beaux-arts design concept
- There is illegal truck traffic.
- Re-routing truck traffic.
 - Does it make sense to advocate for this?
- What obstacles are there to Economic Development?
 - Full time code enforcement.
 - There is a learning curve; the state code is difficult.
 - There needs to be someone who knows all the loops on the change of use: Code Enforcement.
 - Village has structure but it isn't always followed: people do not know what is required.
 - Maybe a starter kit for new property owners and developers, so that they know the requirements for building/developing a new business?
- DOS – Are there existing resources we can use from other communities? Troy?
 - Is there a group or organization in town to draw or find new investment?
 - Hoosick Rising is reforming – would become a downtown improvement district.
- Jason Van Guinness (LWRP Committee Member) did inventory of recent buildings.

Station Two: Waterfront Recreation and Access

- What sort of improvements would you like to see?
 - Change the name of the Sewer Plant Road.
 - There are issues here with National Grid ownership.
 - Approaching National Grid / Sewer Plant Road can rename part of the road – could dedicate road to ...someone.
 - Two or Three types of discussions here: amphitheater, playground, bocce, pavilion/picnic area, kayak
 - Want retail/commercial activity.
 - Amenities with proper locations – better interconnectivity.
 - Fishing access – what is missing?
 - Most trout fisherman will stand in water and do not want a 'place' or dock/facility.
 - There does not need to be a formal place/facility; what about just a lawn where you can walk right up to the water, sit in a chair, and put your feet in the water, etc...
 - Swimming opportunities
 - Woods Brook retention areas.
 - Tube races, events – to get people down to the water.
 - Freshwater emergent wetlands – opportunity for nature/ interpretive activities.
 - Multigenerational activities.
 - Drove 3.5 hours to bring kids to Wild Center in Tupper lake – people are willing to travel to visit interpretive places like that.
 - Williamstown – “tourists” roadside motel old style.
 - It is possible to reach out to Rensselaer Land Trust: inclusion into the plateau? Coordinate with them somehow?
 - Should have interconnectivity w/ regional Trails System.
 - Extend Trail to Tibbets Forest
 - Hoosic River Trail – wants to connect to battlefield.
 - Natural Resources

Station Three: Community Aesthetics

- Would turning John Street be considered a streetscape enhancement?
 - Yes
- Priorities – If you had to choose between funding “Code Enforcement”, “Streetscape Enhancements” or “Façade Improvements”, where would you put your money?
 - General agreement that “Streetscape Enhancements” was best “bang for the buck”
 - “Façade Improvements” generally second favorite.
 - Improving “Code Enforcement” is tricky
- What would define façade improvement or code enforcement?
 - A lot of code enforcement is behind the scenes, people don’t see it so it is hard to appreciate
 - Façade improvement programs brings some regulation
 - Streetscape is where the money is, opportunities to include other branding elements.
- Dilapidated buildings
 - Low income owners vs. sitting on them
- Code enforcement – may have to use combination of ‘sticks’ and ‘carrots’
 - What about a vacant property registration?
 - Need to be careful with code enforcement
- What type of Streetscape improvements would you like to see?
 - More cohesive plantings to improve aesthetics.
 - A “regular pattern” of trees, lights or plantings to show a consistent theme
- Signage Design Guidelines/Standards
 - John Street - is currently DOT controlled as it is NY-22
 - Gateway Signage – does the village have good “welcome” signs which identify Hoosick Falls?
 - Better welcome signage would help
 - Signs with Grandma Moses need to be rebranded
 - Business & Wayfinding signs in Vermont are great, could use something like that here at a local level
 - Need to update wayfinding anywhere
 - Update digital platforms as well (i.e. Waze App) so that it identifies places of interest as people pass through area
 - Landscape improvements are great, but who is going to maintain them? Village staff don’t have time.
 - Gardening clubs could help maintain plantings / adopting a planting program/planting programs
 - This is a low cost and community oriented.
 - Local clubs or “adopt-a-spot” creates competition to have the best looking planter
- Woods Brook
 - Put a dog park on Hall Street w/fencing
 - Connect with trails to Hoosic River Greenway
 - Community garden with clean fill
 - Discovery Center
 - Don’t forget Skorupski’s Landing

Next Steps

- Next Committee Meeting: Early October 2018
- Next Public Workshop: Late October / Early November 2018

WATERFRONT REVITALIZATION

Water view Rd.

What sort of Hoosic River access point improvements would you like to see?

- Improvements to existing locations, new locations, more signage, more parking, storage units...
- Change name of "Sewer Plant Rd" - may require working w/ National Grid
- Amphitheater, Playground, Bocce, Pavilion/Picnic Area
- Retail/Commercial
- Various fishing opportunities
- Swimming opportunities: Woods Brook retention areas
Hoosic River in near future?
- Extend Trail to Tibbets Forest (coordinate w/ Plateau Alliance
+ Beamington Battlefield Land Trust

What waterfront/water-based activities are currently lacking?

- Beach for swimming, performance venue, kayak/canoe launches, fishing platforms, camping, dining, lodging...
- Ditto
- Wetland Interpretation along Woods Brook, nature discovery
- Use waterways to connect multigenerational opportunities
- See above responses - like ANX Wild Center
- Partner w/ Rensselaer Plateau Alliance
+ Rensselaer Land Trust

What sort of businesses would you like to see Downtown? What sort of water-related businesses?

- Kayak launch rental
 - waterfront dining/café
 - bike path signage/awareness
 - attractive gateways to water access
 - Provisions store
 - Co-working space/incubator
 - amphitheatre performance
 - X-country Ski/Snowshoe/Bike Rental
- (Oswego Expedition)
- Kayak/canoe adventure
 - tackle/fishing retail
 - lessons
 - historic tours from the water
 - outdoor art installations
 - arts incubator

At which locations would you like to see more commercial development in the Village, particularly on the riverfront?

- Water Street, Classic Street
 - Near Bridge on Church St.
 - Fill in land next to Flood wall
 - terrace Flood wall?
 - elevate walk way
 - Focus econ. dev. in downtown, not River Rd.
 - Reroute Rt. 22, establish John St. as pedestrian mall
 - Tractor trailer concern
 - Terraced garden on Classic St.
 - Destination Point @ bend on Rte 22
- Obstacles:
- Code Enforcement Guidance on adaptive re-use
 - better awareness on the planning board process
 - "Development Starter Kit"
 - Perhaps thru Hoosick Rising

Please rank the following community aesthetics tools in order of deserving the most investment and indicate reasons why:

I - Code Enforcement #3 - 3 not visible, regulations

II - Streetscape Enhancement #1 #1

III - Façade Improvement

- | | | |
|---|--|---|
| <p>①</p> <ul style="list-style-type: none"> - could make something ugly - Vacant property index registry - fee \$\$ - St. Marys / Jason apts. formerly owned by "sitter" - can lose historic buildings if they are torn down. | <p>②</p> <ul style="list-style-type: none"> - beautiful plan for parking lot behind post office. - historic markers. | <p>③</p> <ul style="list-style-type: none"> - many buildings cant afford - people sit on delapidated buildings - cannot stick w/ code enforcement. |
|---|--|---|

-
- organized patterns
 - streetlights.
 - welcome sign - want to move by mural
 - historic marker
 - sign branding.
 - Vermont tourist signs
 - Wayfinding locally.
 - goolge/Waze advertising.
 - greenspace @moosecafe.
 - Plantings - highway staff will not maintain.
 - Chicago adopt a corner.

As the Woods Brook corridor is reshaped in the forthcoming flood mitigation project, what sort of aesthetic features and public amenities would you like to see implemented?

- Daylight
- educational use / interpretive wetland
- nature discovery center.
- would like to improve. remove bldg across from youth center
- dog park. - down near hall street
- would need to be fenced
- connect to greenway?
- community garden. = educational farming



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Committee Meeting #5
Hoosick Falls Village Hall
Wednesday, November 14, 2018
6:00 PM

1. Introductions and Agenda Review
2. Committee Business
 - 🌿 Meeting Minutes from Committee Meeting #4 on July 2
 - 🌿 Summary Notes from Visioning Workshop on September 12.
3. Community Participation Review
 - 🌿 Recap of Visioning Workshop
 - 🌿 Project Website Status
 - 🌿 Draft Community Participation Plan
3. Land Use Inventory Analysis
 - 🌿 Funded by a Hudson River Valley Greenway Grant - 2015
 - 🌿 What are non-conforming uses and where are they in Hoosick Falls?
 - 🌿 Implications on LWRP Recommendations and the Zoning Code
4. Draft LWRP Format
5. Next Steps
 - 🌿 Next Public Workshop
 - *Interactive Format*
 - *Date/Time/Location*
 - *Roles and Promotion*
 - 🌿 Next Committee Meeting
 - *Date/Time/Location*
6. Adjourn



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP) Committee
Meeting #5
Hoosick Falls Village Offices
Wednesday, November 14, 2018
6:00 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees: Committee: Joe Shaw, Local Development Corp/Hoosick Rising
Brian Bushner, Village Trustee
Paula Kamperman, Hoosic River Greenway Trail
Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L)

This was the fifth meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee and the Barton & Loguidice consulting team.

Welcome, Introductions, and Agenda Review

Mr. Murphy briefly went through the agenda and goals for the meeting. The goals of the meeting were to summarize the findings of the Visioning Workshop; discuss recommendations section of the LWRP; discuss the Land Use Inventory; and to schedule and mobilization for Workshop #2 and the next Committee Meeting.

Committee Business

The Committee Meeting #4 Summary Notes and Visioning Workshop Summary Notes had been distributed via email on November 12, 2018. The bulk of the meeting was spent on this (6:20 to 7:45). Several project ideas were discussed in detail, some new ideas were added and others removed from the list. The list of recommended actions now stands as the following:

1. Adventure Tourism: safe and accessible start and finish locations in the river. Are there obstructions that need to be removed?
 - a. Exit/entrance staircase desired
 - b. River Street Bridge as an access point to the water
 - c. A boom would need to be placed across the river to warn boaters of falls
2. Kayak rental/retail and Fishing rental/retail: downtown location or temporary structures to be located at the new Waterworks Road Park
3. Modernize ACOE Floodwall along Hoosic River: develop design concepts and cooperate with needs of DEC and ACOE. Terraced but usable flood protection preferred.
4. Outdoor Performance Space: to be sited on or near Water Street as a terraced form of flood protection (like Riverfront Park in Troy), rather than at Park Street, Skorupski's Landing or Waterworks Park. This effort will need parking and coordination with the Hoosic River Greenway
5. Update Zoning District Regulations and Mapping
 - a. Recreation and residential on northwest side of river, retain commercial and mixed use

- on the southeast side of river near Downtown where vacant space exists already. Much of this area is currently zoned for industry
- b. Revise residential districts to allow for multi-family dwellings as a conditional use, where appropriate, to address the phenomenon of non-conforming “zombie” properties
 6. Change name of “Sewer Plant Road” to remove the negative connotation adjacent to a Greenway and Hoosic River access point: will need to be pursued through coordination with National Grid and Town of Hoosick
 7. Offer waterside or in-water entertainment, programming, and events
 - a. This can be accomplished through greater regional coordination for programming and signage with organizations such as: Rensselaer Plateau Alliance, Bennington Battlefield, Rensselaer County Tourism, Wild Center in Tupper Lake
 8. New Branding Effort for the Village
 - a. Focus on the river and natural environment
 - b. Dovetail with regional coordination and signage effort mentioned in Action #7
 9. Streetscape Enhancements on John Street, Main Street, and Church Street
 - a. Need to be updated since they were last implemented in the mid-2000s
 - b. Consideration for pedestrian safety, minimal maintenance burden for DPW
 - c. Likely a target of grant funding pursuits
 10. Gateway and Wayfinding Signage: regional coordination and new branding effort is connected
 11. Formalize parking and Greenway access at Nixon Street
 12. Park Street Park: former street and neighborhood just off Classic St, High St, and Harter Ln
 - a. Park space, campground, secondary performance space
 13. Acquisition of Classic Street Properties
 - a. Economic development opportunities and/or terraced gardens
 - b. Partners would include the LDC and Hoosick Rising
 14. Micro-enterprise Program: offer grant funding and low-interest loan financing to start-ups and small businesses in Hoosick Falls. The Village would apply for funding from NYS Homes and Community Renewal and/or USDA Rural Development and then disperse funds to applicant businesses.
 15. John Street Pedestrian Mall and a reconfiguration of NY-22 into a pair of one-way streets
 - a. Opportunity for events downtown, robust aesthetic enhancements in a unique setting
 - b. May require property acquisition to allow for truck turning radii and sight-distance
 16. Pedestrian bridge crossing Hoosic River at Kokley Ave Boat Launch
 - a. Could rest atop existing dam structure
 - b. Create a pedestrian bicycle loop off the Greenway
 - c. Provide Greenway access for residents of the Clay Hill neighborhood
 17. Phase II of Waterworks Road Park Revitalization
 - a. Pavilion, performance space (secondary to one on Water Street), dog park, roadway resurfacing, sidewalk along Waterworks Road, pedestrian access from Main Street via Rogers Street viaduct under railroad tracks

The following ideas were discussed but it was ultimately determined that they would fall under the purview of Hoosick Rising:

- Co-working Spaces and Artist Housing Downtown
- Starter-kit for New/Prospective Property Owners and Developers
 - o Summarize code requirements
 - o Coordinate with local realtors and the Rensselaer County Chamber
 - o Connect to available properties database
- Creation of a vacant/available properties database

- Build-off of Jasen VonGuinness' existing list, Hoosick Falls LDC already doing this
- Formalize code enforcement mechanisms for a vacant properties registry
- Add to Village and Rensselaer County Chamber websites

The Committee approved the meeting minutes from Committee Meeting #4, held on July 2. The Committee also reviewed the Land Use Inventory Memo as well as the River/Trail Access Map. Mr. Murphy added that B&L continues to work on the "Recommendations" section of the Memo to address Zombie properties and non-conforming uses.

Community Participation

The bulk of the meeting was spent addressing the results from the Visioning Workshop. The meeting participants went through each subject of the Visioning Workshop, the three (3) subjects covered in the Visioning Workshop included Economic Development, Waterfront Recreation and Access, and Community Aesthetics. The participants pulled specific topics from those subjects and took them a step further by troubleshooting what actions are required to accomplish them.

Since the Recap of the Visioning Workshop was the main focus, time did not permit the discussion of the Project Website Status and Community Participation Plan.

Land Use Inventory Analysis

The Land Use Inventory Draft Memo and Map was distributed to the Committee. Mr. Murphy explained that sections addressing zombie properties and non-conforming uses are being added to the 'Recommended Actions' section of the LWRP. The sections are going to include conditional use permits to resolve those issues.

Draft LWRP Format

Due to time constraints the Draft LWRP Format was not discussed.

Next Steps

- Next Public Workshop
 - The next public workshop is scheduled for either January 15 or 17, 2019. It will be held at the Unihog BBQ Restaurant, from 6-8pm. It will be an interactive format similar to the September Visioning Workshop, but will not conduct session at school campus as was once proposed. The meeting will be publicized in the newspaper and on Facebook by Paula Kamperman.
- Next Committee Meeting
 - January 29, 2019, 6pm at the Village Offices

Adjourn

The meeting was adjourned at 8:15pm.



HOOSICK FALLS LOCAL WATERFRONT REVITALIZATION PLAN

PUBLIC WORKSHOP

Help Develop a Vision for the Hoosick Falls Waterfront



To Learn More:

When: Tuesday, January 22, 2019 6 - 8 p.m.

Where: Village Hall, 24 Main Street, Hoosick Falls, NY

Why: The Village of Hoosick Falls received a grant from the NYS Department of State Office of Planning, Development and Community Infrastructure to conduct a comprehensive community-based waterfront revitalization plan. To create a successful and inclusive plan, participation from members of the public like you is needed. The plan will address improvements to the Hoosic River shoreline such as improvements to accessibility, resiliency, development, and connections to key destinations. This workshop will be focused on gathering feedback on several project recommendations that were generated from previous public workshops and committee meetings. Participants will also help prioritize and develop strategies for moving each project idea forward. Please come and join the conversation!

Who Should Attend: Local Citizens, Business Owners, Property Owners, Non-Profit Organizations, Government Officials, Developers and Realtors, Lenders, and Special Interest and Advocacy Groups.

Please accept our invitation to attend the meeting. Public input and discussion will play a key role in formulating these important revitalization planning processes. No one knows your neighborhood better than those who live and work there. We would greatly appreciate your insight and participation.



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP)
Public Workshop
Village Hall
Tuesday, January 22, 2019
6:00 PM

Meeting Location: Village Hall, 24 Main Street, Hoosick Falls, NY

Meeting Attendees: Committee: Paula Kamperman, Hoosic Greenway/Local Realtor
Jayne Stokes, Civcure
Brian Bushner, Village Trustee

Consultants: Bob Murphy, Barton & Loguidice, DPC (B&L)
Michael Allen, Behan Planning & Design

Public: See attached sign-in sheet

This public engagement constituted the *Community Workshop and Identification of Priority Waterfront and Community Revitalization Projects* regarding the Village of Hoosick Falls LWRP. The purpose of the workshop was to inform the public about the recommendations that have been suggested through previous meetings and receive further feedback on the project recommendations. The workshop also restated the goals of the project, the role of the public throughout the process, and identified preliminary issues, and priority projects to be analyzed in the planning document. The meeting was attended by Committee members, the Barton & Loguidice consulting team, and members of the public.

Presentation

Bob Murphy from B&L began the meeting at about 6:00pm by first introducing himself and Mike Allen of Behan Planning & Design. Mr. Murphy went on to describe the basis for the LWRP project in Hoosick Falls, the goals of the project, and the project timeline. The bulk of the presentation focused on the project recommendations that have come out of previous workshops and committee meetings. Seventeen (17) project recommendations/opportunities were presented which covered areas of community recreation, aesthetics, and economic development. An additional five (5) project opportunities to focus on were also presented.

Project Opportunities Discussion

Toward the end of the presentation, the focus shifted from informing the public to soliciting feedback on how the project recommendations meet the recreational, aesthetic, and economic needs of the community and how they could be improved.

Mr. Murphy explained how the consulting team and meeting participants would analyze the project recommendations by engaging in an open forum discussion at three stations using an easel at each. The group then discussed the following topics at each station:

- 1) Does this meet the *recreational* needs of the community? If so, why? If not, what would?
- 2) Does this meet the *aesthetic* needs of the community? If so, why? If not, what projects would?

3) Does this meet the *economic* needs of the community? If so why? If not, what projects would?

The following outline summarizes the discussion and responses from the public to these prompts:

Station One: Does this Meet the Recreations Needs of the Community?

If So, Why? If Not, What Projects Would?

- There isn't anything for young kids? There could be splash pads
- Little league is packed. Parking is an issue. Youth Football is too, games have 60 families going in and out on the same road.
- It would not be good if kayakers need to park far away.
- People drive on the football fields, would fencing prevent this?
- Have emergency responders such as the FD been talked to? There would be more rescue needs with more users.
- The size and lengths of trips is too short, there needs to be more or a loop.
- The kayak path is too short and seems dangerous.
- Other users, competitive kayak/whitewater.
- The access point at Sewer Plant Road on the east side has muck and is not deep enough. Could this be cleaned up?
- Using the river, one can go as far north and west as Johnsonville (dam).
- Take people out of water in the Village should be a goal.
- There is a snowmobile path on the west side of the river, on private land.
- Fishing access points: December stocking Hoosick River with trout, but kids can't get to it. By the dam and River St. Bridge, also just south of the Saint Gobain.
- Bike racks, wayfinding signage, "beach" standing area.
- Loop: double path on both sides of river, amphitheater, and splash pads along the way. There are multiple opportunities to cross the river to give variation in trip length. There would need to be restrooms (porta potty rentals), there would need to be access for these services.
- Need to address grade/slope/blind driveway at the Hoosick River Greenway access point.
- Railroad activity is a bonus. It can be an attraction. It should be more attractive for visitors and train enthusiasts.
- There could be a railroad heritage park at the Woods Brook redevelopment, as this area is near the railroad line.
- There could be a playground with splashpads by the waterfront, perhaps on the former Oak Mitsui site.

Station Two: Does this Meet the Aesthetic Needs of the Community?

If So, Why? If Not, What Projects Would?

- Daylighting the Woods Brook, like the Saw Mill River in Yonkers, is viewed favorably.
- The signage needs to be vandal proof.
- There should be more natural/solar lighting.
- Security cameras are an issue and cannot monitor year round, animals trip the camera sensor.
- The entrance to the Hoosick River Greenway needs better security lighting.
- The Grandma Moses sign needs to be repurposed elsewhere, negative branding connotation.
- Updating the police branding/badge and the village logo. "Non-mad owl" Is a favorable design.
- Walter Wood motif/owl.
- Improve holiday lighting with outlets on telephone poles, the newer poles downtown do not have outlets.
- Change the banners year round for the seasons and holidays.

- Have a kiosk at John St. (like Church St. in Burlington) especially if it becomes a pedestrian mall. Not an electronic kiosk.

Station Three: *Does this Meet the Economic Needs of the Community? If So, Why? If Not, What Projects Would?*

- A Pedestrian Street on John Street can be open to emergency vehicles or deliveries.
- There should be an emergency rescue training facility for fire department volunteers. A possible location is in the industrial park at the Former Walter A. Wood site.
- There should be better parking design and lighting as the previous study is out of date.
- LED lighting should occur once the technology is better for color temperature. The recently installed Village lighting is unpopular.
- Oak Mitusi Property is probably a brownfield/BOA.
- Have a farmers market.
- Have an indoor sports complex at the former Walter A. Wood site.

Project Opportunity Workshop

At the conclusion of the discussion, attendees were given the opportunity to participate in a project prioritization workshop activity. Twenty-two (22) paper bags with names of each project opportunity were situated at each station. Participants were given \$20 in symbolic \$1 bills and allowed to allocate their money to whichever project opportunity they valued the most or would like to see invested in. Below are the results of the twenty-two (22) project opportunities:

Project	Votes
Ped Bridge Crossing at the Kokley Ave Boat Launch	17
John St Pedestrian Mall and NY-22 Reconfiguration	17
Modernizing the ACOE Floodwall	14
Offering waterside or in-water Entertainment/Events	13
Changing the name of "Sewer Plant Road"	12
New Branding Effort	12
Phase II of the Waterworks Road Park Revitalization	11
Streetscape Enhancements: John St, Main St, Church St	11
Oak Mitusi Property	11
Adventure Tourism	10
Kayak Rental/Retail and Fishing Rental/Retail	8
Formalizing parking and greenway access at Nixon Street	7
Gateway/Wayfinding Signage	6
Acquisition of Classic St Properties	6
Former Walter A Wood Site	6
Woods Brook	5
Outdoor Performance Space	4
Incorporating a Micro-Enterprise Program	4
Updating Zoning Districts	2
Agriculture Equipment Museum	2
Park Street Park	1
Pre-existing Nonconforming Uses	1

Mr. Murphy said he would summarize the feedback received for discussion with the rest of the LWRP Committee at its next meeting, set for January 29 at 6pm at the Village Offices.

Next Steps

Next Meetings:

- Committee Meeting #6
 - ~~Tuesday, January 29, 2019: 6pm~~, Rescheduled to February 5, 2019: 6pm.
 - Village Offices, 24 Main Street, Hoosick Falls, NY
- Public Hearing
 - Planned for the Spring 2019

The meeting officially concluded at 8:10pm.



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Committee Meeting #6
Hoosick Falls Village Hall
Tuesday, February 5, 2019
6:00 PM

1. Introductions and Agenda Review
 - ✔ Barbara Kendall – NYS Department of State
2. Community Participation Review
 - ✔ Draft Community Participation Plan
 - Public Information Meeting – May 2018
 - Public Workshop #1 – September 2018
 - Public Workshop #2 – January 2019
 - Public Hearing – Spring 2019
3. Committee Business
 - ✔ Meeting Minutes from Committee Meeting #5 on November 14
 - ✔ Summary Notes from Public Workshop on January 22
 - ✔ Priority Project Listings
3. Land Use Inventory Analysis
 - ✔ Funded by a Hudson River Valley Greenway Grant - 2015
 - ✔ Implications on LWRP Recommendations and the Zoning Code
 - ✔ Close-out and Next Steps
4. Draft LWRP Format & Status
5. Next Steps
 - ✔ Remaining Tasks and Tentative Schedule
 - ✔ Next Committee Meeting
 - *Date/Time/Location*
6. Adjourn



This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP) Committee
Meeting #6
Hoosick Falls Village Offices
Tuesday, February 5, 2019
6:00 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees: Committee: Joe Shaw, Local Development Corp/Hoosick Rising
Jayne Stokes
Brian Bushner, Village Trustee
Paula Kamperman, Hoosic River Greenway Trail
Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L)
Dept. of State: Barbara Kendall

This was the sixth meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee, the Department of State (DOS) representative Barbara Kendall, and the Barton & Loguidice consulting team.

Introductions and Agenda Review

The meeting began at 6:02pm with Barbara Kendall introducing herself as the new contact person representing the NYS DOS for this project. Ms. Kendall took over for Meg Phillips in October 2018. Prior to the meeting, Bob Murphy from Barton & Loguidice (B&L) and Ms. Kendall visited various areas throughout the Village that have been identified as key points of interest for the Local Waterfront Revitalization Program (LWRP). Mr. Murphy briefly went through the agenda and goals for the meeting. The goals of the meeting were to approve the meeting minutes from Committee Meeting #5, go through the results from the Public Workshop and provide feedback, and discuss the Land Use Inventory Analysis. With the Public Information Meeting (May 2018), Public Workshop #1 (Sept 2018), and Public Workshop #2 (Jan 2019) already completed, the only iteration of the public participation process remaining is the Public Hearing on the final draft, which has a target date of May 2019.

Committee Business

The Committee Meeting #5 Meeting Minutes, Public Workshop Summary Notes, and Project Opportunity Map had been distributed prior to the meeting. The bulk of the meeting was spent on reviewing the Public Workshop Summary Notes (6:20 to 7:45). The Public Workshop Summary Notes were categorized into three (3) Stations which included recreation, community aesthetics, and economic development. The Committee went through and discussed each of those sections as well as a last section, the project opportunity workshop.

When reviewing Station #1 Recreation, there was discussion about whether there was a need for splashpads as the Town Pool is scheduled to be converted to a splashpad. Regarding Waterworks Road Park, parking is already an issue for Little League, Lassie League, and Youth Football games, making

parking a premium need at that location especially if kayak launch access is added. Brian Bushner noted that parking will be added as part of the ongoing kayak launch grant project.

Another comment from the workshop addressed how trails in the Village should offer varying distances for different users – i.e. shorter trail loops for children/seniors, longer excursion loops for fitness and touring groups. The Committee believes that existing pedestrian crossings of the Hoosic at River Street and Mechanic Street provide opportunities for trail loops from one side of the river to the other. The proposed project of adding a Pedestrian Bridge at Kokley Avenue will create another scenic loop for trail users and provide access for residents of the Clay Hill neighborhood. When discussing tourism signage, the Committee stressed having cohesive/consistent signage throughout the Village and Town.

A few new recreational project potentials were also discussed. When discussing the significance of the railroad and its potential to attract tourists, the idea of incorporating a heritage box car as an attraction on the existing Hoosic River Greenway Trail was explored. The Committee also discussed the existing snowmobile path on the west side of the Hoosic River and if there was a possibility of proposing an easement over a sliver of the property since it is privately owned.

When reviewing Station #2 Community Aesthetics, the Committee discussed daylighting the Woods Brook and making it the centerpiece of Downtown much like what occurred in Yonkers with the Saw Mill River. This was viewed favorably but one issue that was raised was the brick-arch just east of Main St. which may limit how much the Brook can be day-lighted. Ms. Kendall suggested adding a feasibility study of daylighting the Brook to the recommendations section of the LWRP.

When discussing the results of Station #3 Economic Development, a few new projects were discussed. The first topic was updating the parking and lighting design study downtown as the previous study is out of date. The Committee decided that this topic should also be added to the recommendations section of the LWRP. The other new project discussed was having an indoor sports complex or emergency rescue training facility at the former Walter A Wood site on Mechanic Street. Finally, the Committee believed that the best location to incorporate a farmers market in the Village would be at the Oak Mitsui property should that ultimately become more of a scenic riverfront park space.

Another important piece of the Public Workshop Summary Notes was the Project Prioritization activity where attendees would allocate symbolic money they were given into the projects they valued most or would like to see invested in. When the Committee went through the results of this workshop they noted that adding a pedestrian bridge at Kokley Ave presented the opportunity of a new project of extending the Hoosic River Greenway Trail. Extending the trail both northward and southward is also to be listed as a recommended action in the plan.

Land Use Inventory Analysis

The Land Use Inventory Draft Memo was distributed to the Committee. This inventory analysis was sought after before the water crisis. The memo includes useful data about pre-existing non-conforming properties. It also includes a variety of proposed code changes depending on what direction the Village would like to go in terms of their zoning and land use. Mr. Murphy will present the Land Use Memo at the Village Board or Planning Board Meeting following review by this LWRP Committee. The aim is to approve the Land Use Inventory Analysis and Memo in time to apply for a new round of Hudson River Valley Greenway grants sometime in 2019.

Draft LWRP Format

Ms. Kendall explained the difference between an LWRP ‘strategy’ and an ‘approved plan’. She indicated

that the Hoosick Falls LWRP is a 'strategy', but could become an approved plan with proper waterfront regulations put in place by the Village. The Village, DOS, and B&L will further discuss these requirements and what steps are necessary to achieve this "approved plan" status as the plan nears final draft.

Next Steps

- Remaining Tasks and Tentative Schedule
 - o B&L and Behan will develop narratives, graphics, and implementation strategies for the proposed projects.
 - o B&L will provide a remaining tasks and responsibilities list for the Village.
 - o The LWRP Committee will review and comment on the documents distributed at this meeting.
- Next Committee Meeting
 - o April 2, 2019
 - 6:15pm at Village Offices
- Public Hearing
 - o Targeted for May or June 2019

Adjourn

The meeting was adjourned at 8:20pm.



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Committee Meeting #7
Hoosick Falls Village Hall
Tuesday, April 2, 2019
6:15 PM

1. Introductions and Agenda Review

🍃 Goals:

- Review Scope and Schedule
- Review and Prioritize recommended projects

2. Review Project Scope and Schedule

- | | |
|-------------------------------------|--------------------------------------|
| 🍃 Community Profile | 🍃 Vision and Goals for the Community |
| 🍃 Committee Meetings (CPP) | 🍃 Recommended Projects |
| 🍃 Public Workshops (CPP) | 🍃 Compose Draft and Final Plan |
| 🍃 On-going and Previous Initiatives | 🍃 Grant Reporting and Results |

3. Committee Business

- 🍃 Meeting Minutes from Committee Meeting #6 on February 5
- 🍃 Land Use Inventory Memo

4. Recommended Projects

- 🍃 23 Projects
- 🍃 Prioritize Short, Medium, Long Term

5. Next Steps

- 🍃 Remaining Tasks and Tentative Schedule
- 🍃 Next Committee Meeting
 - *Date/Time/Location*

6. Adjourn



This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



**Local Waterfront Revitalization Program (LWRP) Committee
Meeting #7**

Hoosick Falls Village Offices
24 Main St., Hoosick Falls, NY
Tuesday, April 2, 2019
6:15 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees: Committee: Brian Bushner, Village Trustee
Paula Kamperman, Hoosic River Greenway Trail
Jayne Stokes, CiviCure
Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L)
Michael Allen, Behan Planning & Design

This was the seventh meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee and consultants from Barton & Loguidice and Behan Planning & Design.

Introductions and Agenda Review

The meeting began at 6:20pm with Mr. Murphy going over the meeting agenda. The goals of the agenda were to approve the previous meeting minutes, go through the project's up-to-date scope and schedule, and review and prioritize the recommended projects. With the Public Information Meeting (May 2018), Public Workshop #1 (Sept 2018), and Public Workshop #2 (Jan 2019) already completed, the only iteration of the public participation process remaining is the Public Hearing on the final draft, which has a target date of June 2019.

Committee Business (6:45pm - 7:00pm)

The meeting minutes from Committee Meeting #6 (held 2/5/19) had been distributed by email on 2/8/19 and hard copies were handed out prior to the meeting. The Committee and the Consultants went through the minutes and made comments and corrections. The minutes will be approved conditional to making corrections. The Committee also went through the Land Use Inventory document which was distributed to the Committee in February. Mr. Murphy indicated that he will send the memo to Village Attorney Andy Gilchrist for further review and the Committee agreed that was the next step. When the Hudson River Valley Greenway (HRVG) grant that funded the Land Use Inventory is closed out, the Village will be able to apply to HRVG for implementation projects.

The bulk of the meeting was spent on reviewing the recommended projects in the Draft Local Waterfront Revitalization Plan (7:00-8:25).

Recommended Projects

The Committee went through all twenty-four (24) recommended projects in the Draft LWRP. Each project was categorized as an on-going, short, medium, or long term priority. Other projects were combined, eliminated, or split into two (2) phases/projects. As a result, project numbers in the discussion below refer to the order they were presented in the Draft LWRP Plan as of 4/2/19.

Some of the major revisions made to the plan included combining Recommendation #10 - Gateway/Wayfinding Signage with Recommendation #12 - A New Branding Effort for the Village. These two recommendations go hand-in-hand so it is more intuitive to combine them. Another recommendation was to indicate that the Army Corps of Engineers (ACOE) and Department of Environmental Conservation (DEC) would be significantly involved in formalizing the parking space off of Nixon Street (Recommendation #4). For the Park Street Preserve (Recommendation #5), the Committee suggested that a parking area at the insurance lot could serve as the preserve's initial parking lot until a designated lot for the preserve could be built down below.

The Committee suggested adding a possible fitness system to Phase II of the Waterworks Park Revitalization project (Recommendation #7). Brian Bushner suggested using a specific vendor called 'Fit-Trail'. For Recommendation #9 - Streetscape Enhancements on John Street, Main Street, and Church Street, the Committee offered input on specific types of lighting they would like to have included in the project. For Recommendation #20 - Wood Block: Downtown Anchor Investments, the Committee, specifically Jayne Stokes, added more specific examples of how they would like the LWRP to support/invest in the rehabilitation of the three (3) floors of Wood Block. These examples include renovating the theater's 3rd floor as a space for performances, exhibitions, or public meetings/ special events. She recommended renovating the 2nd floor to support the theater space and the 1st floor as commercial space.

Four (4) project recommendations were split into two (2) phases/projects; these included Recommendation #8 - Modernizing the ACOE Floodwall, Recommendation #17 - John Street Pedestrian Mall / NY-22 Reconfiguration, Recommendation #19 - Woods Brook Daylighting Feasibility Study, and Recommendation #24 - Riverfront Park at Oak Mitsui Site. Each project was broken into a planning or feasibility project and an implementation project in order to create 'bite size' phases for the Village to pursue.

Recommendation #8 was split into two projects, 8a - Modernizing the Army Core of Engineers Floodwall and 8b - A Historic Mural on the Water Street Wall. The Committee recognized the concrete wall on Water Street, near the railroad trestle, as an opportunity to include an artistic resource into the LWRP. They also liked the recommendation of a terraced berm for Recommendation 8a, to the west of the Oak Mitsui property.

The John Street Pedestrian Mall/ NY-22 Reconfiguration was split into 17a - The Pedestrian Mall/ Reconfiguration and 17b - Implementation of the Pedestrian Mall/ Reconfiguration. Recommendation #19 was split into 19a Woods Brook Daylighting Feasibility Study and 19b - Daylighting the Woods Brook. Recommendation #24 was split into 24a -Riverfront Park at Oak Mitsui Study and 24b - Establishment of Riverfront Park at the Oak Mitsui Site. This Riverfront Park will include elements related to Local Heritage Park, a farmers market, and exhibit space for the Hoosick Historical Society.

There were no comments or changes made to the following recommendations: #1 - Outdoor Performance Spaces; #2 - Changing the Name of "Sewer Plant Road"; #3 - Offering Waterside or On-Water Entertainment/Events; #4 - Formalizing Parking and Greenway Access at Nixon Street; #6 -

Pedestrian Bridge Crossing at the Kokley Avenue Boat Launch; #11- Updating Zoning Districts; #13 - Adventure Tourism; #14 - Kayak Rental/Retail and Fishing Rental/Retail; #15 - Acquisition of Classic Street Properties; #16 - Incorporating a Micro-Enterprise Program; #18 - Acquisition of River Road Property (Fitzsimmons Property); #21 - Municipal Parking and Pedestrian Study; #22 - Walter A. Wood Industrial Complex (1 Mechanic Street); and #23 - Extending the Hoosic River Greenway.

It was suggested to have the recommendations re-organized according to the goals they support.

Next Steps 8:25pm

- Remaining Tasks and Tentative Schedule
 - o B&L and Behan will update and make changes to the Recommendations Section of the LWRP.
- Next Committee Meeting
 - o Thursday, May 16
 - 6:15pm at Village Offices
- LWRP Draft to be submitted to the Committee
 - o May 3, 2019
- Public Hearing
 - o To be determined, although June 2019 is anticipated.

Adjourn

The meeting was adjourned at 8:30pm.



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Committee Meeting #8
Hoosick Falls Village Hall
Wednesday, May 15, 2019
6:15 PM

1. Introductions and Agenda Review
 - Goals:
 - Review Draft Plan Format and Organization
 - Review and Prioritize Recommended Projects
2. Committee Business
 - Meeting Minutes from Committee Meeting #7 on April 2
 - Greenway Committee Meeting Update
3. Review Draft Plan
 - Overview of Content and Format
 - Discussion on Conclusion Section
 - Discussion on Appendices
4. Recommended Projects
 - 24 Projects (some have multiple phases – A or B)
 - Prioritize Short, Medium, Long Term
 - 2019 CFA Programs and Applications
5. Next Steps
 - Remaining Tasks and Tentative Schedule
 - Next Committee Meeting
 - Date/Time/Location
6. Adjourn



This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



Local Waterfront Revitalization Program (LWRP) Committee
Meeting #8
Hoosick Falls Village Offices
24 Main St., Hoosick Falls, NY
Wednesday, May 15, 2019
6:15 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees: Committee: Paula Kamperman, Hoosic River Greenway Trail
Joe Shaw, Local Development Corp/Hoosick Rising
Brian Bushner, Village Trustee
Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L)

This was the eighth meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee and a consultant from Barton & Loguidice (B&L). Brian Bushner arrived to the meeting at 6:30pm.

Introductions and Agenda Review

The meeting began at 6:30pm with Mr. Murphy going over the meeting agenda. The goals of the agenda were to review and approve the previous meeting notes, review the content and format of the Draft Plan, and gather information for the Conclusion and Appendices. With the Public Information Meeting (May 2018), Public Workshop #1 (Sept 2018), and Public Workshop #2 (Jan 2019) already completed, the only iteration of the public participation process remaining is the Public Hearing on the final draft, which has a target date of June 2019.

Committee Business (6:45pm - 7:00pm)

The meeting notes from Committee Meeting #7 (held 4/2/19) had been distributed by email on 4/22/19 and hard copies were handed out prior to the meeting. The Committee and the Consultants went through the minutes and made comments and corrections. The meeting minutes will be approved.

The contract from the Office of Parks, Recreation, and Historic Preservation in regards to the Regional Trails Grant Program (RTP) has arrived and the Village now needs to procure a design firm. Sewer work that MRB is doing on Sewer Plant Road can be coordinated with the Northern Greenway Trailhead RTP project

The bulk of the meeting was spent reviewing the Draft Plan and the recommendations section in the Plan (7:00-8:15).

Draft Plan Review & Recommendations

Municipal Wi-Fi was briefly discussed as a possible recommendation, but it was ultimately determined that it was not appropriate given regulatory, security, and funding concerns at this time. Mr. Murphy distributed the “What is a Comp Plan?” description slides print outs to put the draft plan into appropriate context. The existing draft lacks a Conclusion section. Mr. Murphy described how he has had positive experiences with Committee Members developing brief conclusions to Comprehensive Plans/LWRPs and how such a scenario would work with this group. He also distributed examples of a Conclusion Sections written by local Committee Members on other projects. Ms. Kamperman and Mr. Bushner stated that they will collaborate in putting together a conclusion section.

The following are edits and comments that were made during the draft plan review:

- Re-word the third paragraph of the Cost Burden section.
- Replace Figure 6 in the Land Use Section.
- Revise the language in the Land Use Map section as it is a non-sequitur.
- Update the list of schools and the fire department locations in the Cultural, Educational, and Emergency Resources and Map.
- Change the colors and remove specified parcels in the Parks, Recreational Resources, & Public Services Map.
- Include the Ashuwillticook Rail Trail and Taconic Crest as well as the sewer work being completed by MRB Engineering in the Hoosic River Greenway section.
- Add a graphic to the introduction portion of Section 6 Recommendations.
- Revise Figure 18 as Nixon Street is not connected to the proposed riverfront park at the former Oak Mitsui site.
- Add captions to Figure 19 about drainage and the raised sidewalk to view the river.
- Add the missing property lines to Figure 22.
- Include the Ashuwillticook Rail Trail and Taconic Crest to the south and Brown’s and Bennington Battlefield to the north in Recommendation 22 Extend the Hoosic River Greenway.

Next Steps (8:10pm – 8:15pm)

- Next Committee Meeting
 - o Wednesday, June 19
 - 6:15pm at Village Offices
- Committee Comments on Draft
 - o Due by Friday, May 31
- Updated Draft Plan
 - o To be distributed by Friday, June 14.

Adjourn

The meeting was adjourned at 8:15pm.



Village of Hoosick Falls
LWRP Committee
AGENDA



Local Waterfront Revitalization Program (LWRP) Committee
Committee Meeting #9

Hoosick Falls Village Hall
Monday, July 8, 2019
6:15 PM

1. Introductions and Agenda Review

Goals:

- Final Review of Draft Plan
- Discuss Conclusion Section
- Set up a schedule for NYSDOS and County Referrals, SEQRA compliance, final public meeting

2. Committee Business

- Meeting Minutes from Committee Meeting #8 on May 15

3. Review Draft Plan

- Overview of Content and Format
- Discussion on Conclusion Section
- Discussion on Appendices
- 24 Projects (some have multiple phases – A or B)
- Prioritize Short, Medium, Long Term
- 2019 CFA Programs and Applications

4. Next Steps

- Remaining Tasks and Tentative Schedule
 - Conclusion Section, Comments, Referrals, SEQR
- Next Meeting
 - Final Public Meeting
 - *Proposed: Tuesday, September 10, 6pm at Village Board Meeting*

5. Adjourn



Village of Hoosick Falls
Local Waterfront Revitalization Plan
SUMMARY NOTES



**Local Waterfront Revitalization Program (LWRP) Committee
Meeting #9**

Hoosick Falls Village Offices
24 Main St., Hoosick Falls, NY
Monday, July 8, 2019
6:15 PM

Meeting Location: 24 Main Street, Village Offices, Hoosick Falls, NY

Meeting Attendees: Committee: Brian Bushner, Village Trustee
Jayne Stokes, CiviCure
Consultant: Bob Murphy, Barton & Loguidice, DPC (B&L)
Michael Allen, Behan Planning

This was the ninth meeting of the Village of Hoosick Falls LWRP Committee since the project was kicked-off in April 2018. The meeting was attended by members of the Committee and a consultants from Barton & Loguidice (B&L) and Behan Planning.

Introductions and Agenda Review

The meeting began at 6:15pm with Mr. Murphy going over the meeting agenda. The goals of the agenda were to review edits to the Draft Plan, review the Conclusion Section, and set up a schedules for NYSDOS and County Referrals, SEQRA compliance, and a final public meeting. With the Public Information Meeting (May 2018), Public Workshop #1 (Sept 2018), and Public Workshop #2 (Jan 2019) already completed, the only iteration of the public participation process remaining is the Public Hearing on the final draft, which has a target date of September 2019.

Committee Business

The meeting notes from Committee Meeting #8 (held 5/15/19) had been distributed by email on 5/24/19 and hard copies were handed out prior to the meeting. The Committee and the Consultants went through the minutes and made comments and corrections. The meeting minutes were approved.

Mr. Bushner stated that he will be leaving the Village Board as he is moving just outside of the Village. He will likely be leaving the Village Board in early fall, although options for allowing him to remain on an interim basis are being explored.

Review Draft Plan

The meeting then transitioned to Mr. Murphy reviewing the Draft Plan. The Committee recommended having a list of the maps in the Table of Contents of the Plan.

In regards to the appendix, three sections are planned. Section A will include Public Participation documentation. Section B will discuss the policies required for the plan to be a full LWRP. Section C will

have a full scale map of the Oak Mitsui Site.

There were no other comments from the Committee.

Next Steps

- Committee Comments on Draft and Conclusion Section
 - Due by July 22
- The Final Draft is planned to be sent to NYSDOS for review/comment on **August 1**.
- Public Meeting
 - Tuesday, September 10, at 6pm
- Conduct SEQRA
 - Village declares intent to act as lead: August 13
 - FEAF Completed: August 31
 - SEQRA Determination: September 10 Meeting

Adjourn

The meeting was adjourned at 8:00pm.

APPENDIX B

FULL LWRP DOCUMENTATION

Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs



Prepared by:
New York State Department of State
Office of Planning, Development,
and Community Infrastructure



Andrew M. Cuomo, Governor
Rossana Rosado, Secretary of State



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Publication Date: March 2019

**Local Waterfront Revitalization Programs in the Coastal Area:
Guidance Manual for Preparing Local Programs**

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Appendix 3: Guidelines for the Preparation of Harbor Management Plans

Appendix 4: LWRP Maps Guidance

Appendix 5: New York State Coastal Management Program Policies

Appendix 6: Long Island Sound Policies

Appendix 7: Sample Local Waterfront Consistency Review Law and Waterfront Assessment Form

Appendix 8: Project Profile Template

Appendix 9: Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect; and Procedural Guidelines for Coordinating NYS DOS and LWRP Consistency Review of Federal Agency Actions

Appendix 10: Example Summary Chart of Legislation and other Actions Implementing the LWRP Policies

I. INTRODUCTION

Purpose of this Guide

New York State has developed this new Guidance Manual to assist municipalities, consultants and the public in preparing a Local Waterfront Revitalization Program (LWRP). Each municipality located within the state’s coastal area¹ is eligible to prepare an LWRP. Prepared on a voluntary basis by interested municipalities, LWRPs provide important local specificity for New York’s Coastal Management Program (CMP).

The Guidance Manual updates prior instructions about why and how to prepare an LWRP.² It provides the background, suggested format, steps, and links to resources for communities to prepare a new LWRP or amend an existing LWRP that addresses and may refine State coastal policies and meets the requirements of the State’s CMP or, if located on Long Island Sound, the Long Island Sound Coastal Management Program. It also recognizes the growing need to consider community resilience, resources protection and economic development on both a local and regional basis for successful and sustained waterfront revitalization. The Department of State’s Office of Planning, Development and Community Infrastructure (DOS) can help communities determine the right approach to address their local issues.

The goals of this Guidance are to:

- Provide a concise, easy to use guide to prepare an LWRP for use by communities and their consultants.
- Make the LWRP process more flexible and responsive to emerging local, regional and statewide issues and needs.
- Recognize the growing regional nature of waterfront revitalization, economic development, community resilience, resource protection, and sustainability.

The Guidance also explains the many benefits that accrue to a municipality – whether located in the coastal area or situated on a designated inland waterway- that voluntarily chooses to prepare an LWRP. The benefits of completing and implementing an LWRP include development of a consensus-driven, unified vision for waterfront revitalization; review of government agency actions that affect the local waterfront area for consistency with the LWRP’s policies; technical assistance from DOS; and, increased opportunities for the municipality to apply for financial assistance from State funding sources to implement its LWRP.

This Guidance recognizes the growing need to consider economic development, community resilience, and resources protection on both a local and regional basis for successful waterfront revitalization.

¹ This Guidance addresses preparation of LWRPs in New York State’s Coastal Management Area. The Guidance may be used for general structure and content of local waterfront programs on inland waterways designated in Article 42 of the New York State Executive Law, however inland communities should contact DOS for information on how inland waterway LWRPs differ from coastal area LWRPs.

² This Guidance serves as additional information to supplement and support the guidance provided in Appendix B of the CMP that lays out how to prepare an LWRP. The NYS Coastal Management Program, including Appendix B, is available at: https://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf

What is an LWRP?

An LWRP is a comprehensive land and water use program that expresses a vision for the waterfront area and provides the means to achieve that vision. An LWRP is the only planning and regulatory tool that allows a local community to refine Statewide coastal policies to apply to the local situation. LWRPs may be prepared by municipalities in the State Coastal Area, which includes cities, towns and villages located on the Atlantic Ocean, New York Harbor, Long Island Sound, the East River, the Harlem River, the Kill von Kull and Arthur Kill, the Hudson River south of the federal dam at Troy, the Niagara River, the St. Lawrence River, and the Great Lakes.

A new or amended LWRP is reviewed by local, state, and federal agencies and once approved, the coastal LWRP becomes the basis for aligning local, state, and federal actions needed to achieve community goals for the waterfront. This is extraordinary authority available to a municipal government given the sovereignty of the state and federal governments. Once the LWRP is approved, both state and local agencies must align their proposed actions with the LWRP policies. Competitive funding through New York State's Environmental Protection Fund (Title 11) is available to support the development of LWRPs.

New York State developed the CMP to promote the beneficial use of, and to prevent impairment of, the State's natural and cultural coastal resources, and to appropriately manage major activities that have substantial effects on these coastal resources. The CMP was developed pursuant to the federal Coastal Zone Management Act of 1972 (CZMA). It provides a framework for government decision-making concerning proposed activities with effects in New York's coastal area. Federal and State agencies must adhere to the policies of the CMP.

The State Legislature enacted the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Law³ (the Waterfront Act) to provide the means and incentives for municipalities to prepare and implement LWRPs for their waterfronts located within the State's coastal area. The Waterfront Act invites the voluntary participation of local governments to develop a unique local waterfront revitalization plan and refine the CMP policies. The development, review, and approval of an LWRP is guided by DOS, which administers New York State's CMP. The LWRP reflects local conditions, opportunities, and needs within the portion of the State's coastal area delineated by the municipal boundary.

By preparing an LWRP, community stakeholders take the opportunity to evaluate local waterfront resources, develop goals and a comprehensive strategy for the best use of those resources, identify ways in which the community can reduce risk to community assets and make them more resilient to future threats and natural disasters, propose future land and water uses, and put in place a local program that will guide the community in attracting appropriate development to the waterfront area while planning for sustainability. LWRPs also provide the organizational structure, local laws, and projects to achieve the plan.

³ Executive Law, Article 42.

Waterfront Planning through the Local Waterfront Revitalization Program

Overview: LWRP Preparation and Content

Any local government or two or more local governments acting jointly in the coastal area or on a designated inland waterway⁴ may prepare a waterfront revitalization program and seek its approval by the Secretary of State. Each locality or localities acting jointly in developing an LWRP may have a different approach to planning for their waterfront area.

LWRP's may be prepared by existing municipal staff however, are traditionally prepared by a planning consultant hired by the municipality. Financial support may be obtained by a competitive planning grant award through the DOS EPF LWRP program. LWRP development is guided by a member of the DOS professional planning team.

The statute and implementing regulations specify the contents of an LWRP, and to some extent the procedure for Secretary of State review.⁵ Each LWRP must include:

1. Boundaries of the local waterfront area;
2. An inventory of natural and historic resources of the waterfront area to be protected;
3. A statement of the goals and objectives of the LWRP [this is also where the enforceable waterfront policies are found];
4. Identification of the uses and projects to be accommodated in the waterfront area;
5. Description of proposed means for controlling waterfront development and activities including appropriate land use controls;
6. An identification of the state agency actions that will be subject to consistency with the local program; and
7. A Comprehensive Harbor Management Plan.

The Boundary section of the LWRP contains a narrative and graphic description of the waterfront area for the coastal municipality. The State Coastal Area Boundary sets the inland limit of the local waterfront area within a coastal municipality. However, as part of the preparation of an LWRP, a municipality may recommend a revision of the inland boundary based upon local conditions. The waterside boundary of the local waterfront area often coincides with the applicable municipal boundary, and, sometimes, including an area of up to 1500 feet of the adjacent waterway where State laws delegate authority to municipalities to regulate certain water uses and structures.

The local policies of the LWRP must be as comprehensive and detailed as, and maintain the purposes of, the State coastal policies while adapting the general provisions to the specific problems and opportunities of the local waterfront area. The LWRP policies for a coastal municipality may not diminish the provisions of the State coastal policies applicable to the local waterfront area. The LWRP policies address how each applicable State policy is to be interpreted in the community. Local governments generally add

⁴ This Guidance addresses preparation of LWRPs in New York State's Coastal Management Area. While the Guidance may be used for general structure and content of LWRPs on inland waterways designated in Article 42, contact DOS for information about differences between inland and coastal LWRPs.

⁵ The LWRP preparation and approval process is set forth in the Waterfront Act and its implementing regulations at 19 NYCRR Parts 601 and 603. See Section II for more information about the legislative background for LWRPs.

detail to the State policies either: by providing standards and criteria which are more specific than those established in the State policies; or by identifying particular geographic areas or resources within the community to which the policy applies. Usually a combination of these approaches is used.

The LWRP must plan for long term land and water uses for the local waterfront area and specify the legal techniques for implementation. A municipality's existing or proposed land use regulations covering the waterfront area are one of the implementation techniques, however the regulations must be consistent with the proposed uses of the LWRP. The land use regulations adopted to implement LWRPs often address appropriate locations for and controls on land development and provide for natural resource preservation.

Local regulations should be designed not to achieve a single purpose or objective but to implement a clear overall concept of how the community's waterfront should be used. Generally, the regulations must: assure that new waterfront development is well designed and sited; provide for public access to the water; prevent the displacement of essential water dependent uses (recreational, commercial and industrial) by uses which do not require a waterfront location, particularly residential and retail uses; bring land use regulations into better conformity with the objectives of State regulations for the protection of natural areas; and assure that new development is not sited or designed so it will face inevitable damage from the natural forces of flooding, erosion and rising water levels.

Any of the local land use controls used in New York State, such as zoning, subdivision review, site plan review, cluster, historic preservation, planned unit development, and environmental regulation, may be used to implement the program. It is recommended that local governments adopt local consistency review laws to require that local agencies carry out their actions in a manner consistent with the approved LWRP. The adoption of a local consistency review law is often the most effective action the municipality can take to encourage private development that is consistent with community objectives.

Substantively, the LWRP must be consistent with the State coastal policies, be supported by adequate local legal authority, identify specific State actions necessary for implementation of the program, achieve the waterfront revitalization objectives of the Waterfront Act and address specific activities to an extent commensurate with the particular circumstances of the community.

LWRP Component Planning

While DOS encourages communities to complete a comprehensive LWRP including consideration of all enforceable State coastal policies and local waterfront geographical areas, for some communities it may be appropriate to advance the LWRP in stages. This approach is intended to address the most time sensitive and geographically significant priorities and policies.⁶

An LWRP Component should focus on one or more State coastal policies that are relevant to the particular conditions and priorities in the municipality, address a significant geographic portion of the municipality's waterfront, or both. Over time, a community may complete several LWRP components, which together may then be combined to serve as a comprehensive LWRP that meets the requirements of

⁶ Executive Law § 915(5) authorizes the Secretary of State to approve "a portion or component of a local waterfront revitalization program" provided that the program constitutes a discrete, cohesive, comprehensive, treatment of the subject or subjects addressed, which may be related to environmental, social, regional growth management, or economic conditions.

either the State's Coastal Management Program or the Long Island Sound Coastal Management Program. DOS will provide technical assistance for communities that wish to take this phased approach.

When preparing an LWRP as a series of components, the recommended first step is to work with community partners to come to consensus on a vision for future use of the waterfront, the topics and/or geographic areas that are most important to the community, and the issues that will be addressed first. Vision and goal development is described in more detail in Section III of this Guidance document.

Emerging Issues that May be Explored in Preparation of an LWRP

Economic Revitalization

Economic revitalization is an important issue facing many communities today. Even where ignored for decades, waterfronts hold a diversity of economic value that awaits rediscovery. The historical and psychological draw that waterfronts provide is so compelling that the waterfront is often the heart of the community. LWRPs can address this need by including a comprehensive local and regional economic analysis and redevelopment strategy for the waterfront area. In addition, communities should incorporate in their visioning process the regional economic development strategies, five-year strategic plans, and reports that have been developed by the State's ten Regional Economic Development Councils (REDCs). These regional councils, intended to serve as the primary point of contact for economic activity in each region, are part of New York's operating model for stimulating economic development throughout the State and are responsible for driving local and regional economic development and improving the State's business climate.

Community Resilience

Compounding the difficulties of improving local and regional economies is the increasing need for coastal communities to cope with extreme weather events that are becoming more severe and frequent due to climate change. One method for establishing a resilience strategy is to undertake coastal resilience planning integrated with development of an LWRP. When planning for coastal resilience is included as part of the LWRP inventory and analysis, the community identifies key regional and community assets within their planning boundary, and evaluates flooding and erosion risks to those community or regional assets such as hazards addressed in the relevant county's All-Hazard Mitigation Plan (if available).⁷ The community then assembles and prioritizes a set of management measures that establish effective adaptation to changing conditions on the coast and along waterways. The community should also identify vulnerable populations and define social and economic consequences from severe weather and resulting economic impacts that can potentially be mitigated with resilience planning.

As a result of coastal resilience planning, more resilient communities understand which of their assets and populations are at risk. Understanding which assets and populations are vulnerable to hazards, currently and in the future, allows communities to take coordinated, informed, and deliberate measures to reduce those risks. Understanding risk on the landscape also enables communities to better understand where proposed development is at the greatest or least risk from flooding and erosion hazards. Resilience planning as part of the LWRP preparation process better equips

⁷ All-Hazard Mitigation Plans prepared under the Federal Disaster Mitigation Act of 2000 evaluate natural hazards and propose strategies to mitigate such hazards. For more information see: <https://www.fema.gov/hazard-mitigation-planning#>

communities with the information needed to implement both short- and long-term strategies for handling severe weather events. For more information about resilience planning see Chapter III, Section 3 (Inventory and Analysis) of this guide.

More resilient communities are better able to withstand and recover from severe weather events. The LWRP helps achieve resilience through planning. The recommended management measures resulting from the planning process can aid communities in withstanding stresses without suffering permanent or long-term loss of community functions, devastating damage to assets, diminished productivity or quality of life. Planning ahead provides a modicum of independence that requires minimal outside assistance to restore full operation of public and private activities.

Joint Municipal LWRP

Waterfront communities face many diverse natural resource issues, including polluted surface and ground water, storm water runoff management, drought, sea level rise, local flooding, shoreline erosion, and related threats to public infrastructure, such as impacts to transportation and energy storage and transmission. These issues transcend municipal boundaries at a regional scale. Communities with shared interests or resources are encouraged to coordinate their individual programs and to prepare an intermunicipal program. However, while communities can work together to address common topics of interest and propose intermunicipal projects in a Joint LWRP, within each community's boundaries, the municipality's own local laws will be the enforcement mechanism for the Joint LWRP, effective within those municipal boundaries.

Waterfront economic development is also increasingly a regional concern. The shift from manufacturing and industry into a tourism economy requires regional cooperation for destination planning, marketing, and infrastructure development. For example, communities along a shared waterway may identify a common need to address waterfront access and waterfront development policies to support their local economies. An intermunicipal Blueway Trail (small-boat route connecting municipal waterfronts along a waterway) can be proposed as an implementation project in a Joint LWRP to achieve goals for both economic development and waterfront access for recreation.

The regional emphasis of the joint municipal approach to the LWRP also acknowledges the fact the health, sustainability, and economic vitality of *all* municipalities in a region are dependent on high quality surface and ground water resources for resilient water supply, recreation, tourism, agriculture, local business, industry, and overall economic development. In addition to an LWRP, communities may consider preparing a watershed management plan and advancing on-the-ground watershed improvement projects on a cooperative regional basis. A watershed management plan can help communities achieve local, regional and statewide goals for healthy water quality needed to sustain natural resources and economic development, supporting the water resource objectives in the LWRP at the same time.

DOS can provide support and resources related to current thinking and planning methodologies for a Joint Municipal LWRP, as well as focused planning support for regional issues such as Smart Growth, Climate Change Resiliency, Watershed Planning, and Brownfield Opportunity Areas.



Corning Preserve,
City of Albany

II. LEGISLATIVE BACKGROUND AND BENEFITS OF THE COASTAL MANAGEMENT PROGRAM

Legislative Background

The New York State Executive Law Article 42: Waterfront Revitalization of Coastal Areas and Inland Waterways Act (the “Waterways Act”) establishes the State’s Coastal Management Program and authorizes the development of Local Waterfront Revitalization Programs (LWRPs). Article 42 was amended in 1992 to require development of a Harbor Management Plan (HMP) and a means for its implementation as part of an LWRP, effectively providing local governments with the clear authority to comprehensively manage activities in harbor and nearshore areas (HMPs are described in Section III-4 of this document). Also drawing its authority from Article 42 of the Executive Law, the Long Island Sound Coastal Management Program replaces the State’s Coastal Management Program for the Sound shorelines of Westchester County, New York City south of the Throgs Neck Bridge, Nassau County and Suffolk County. The Long Island Sound Coastal Management Program is currently the only regional element of the State’s Coastal Management Program.

An LWRP must be comprehensive, addressing all issues having effects within a community's waterfront. [19NYCRR Parts 600, 601, 602, and 603](#) provide the rules and regulations that implement each of the provisions of Article 42 of the Executive Law, including the required content of an LWRP, the processes of submission, review and approval of an LWRP, how to amend an LWRP, and requirements for Harbor Management Plans (See Appendix 2). Notwithstanding this, communities may prepare the LWRP as a series of LWRP components, addressing critical issues and related policies first and other issues later, as described in Section I of this Guidance Manual.

The Waterways Act designates the Department of State as the administrator of New York’s Coastal Management Program. As such, the Department’s Office of Planning, Development & Community Infrastructure guides the community through completion of the draft LWRP and review of the program by State and federal agencies.

Once approved by the New York State Secretary of State, permitting, funding, and direct actions by State agencies must be consistent with the LWRP. For an LWRP in the State Coastal Management Area, the Secretary then submits the document to the NOAA Office of Coastal Management (OCM), requesting incorporation of an LWRP into the State’s CMP through a Routine Program Change (RPC) as described in federal regulations.⁸

Following concurrence by OCM, all federal agency activities are required to be consistent with the policies and purposes of the LWRP. The benefit of this process is that once approved, federal and State actions located in the LWRP waterfront area are reviewed for consistency with the policies in the

⁸ A Routine Program Change is described in the Code of Federal Regulations (CFR) published in the Federal Register as 15 CFR § 923.84: “(a) Further detailing of a State’s program that is the result of implementing provisions approved as part of a State’s approved management program, that does not result in the type of action described in § 923.80(d), will be considered a routine program change.”

municipality's LWRP. This reflects the fact that these policies have now been incorporated in the State's CMP. All LWRPs approved by the Secretary of State and those that have been posted for 60-day review can be viewed by searching for "LWRPs approved by the NYS Secretary of State" and "Draft LWRPs" on the DOS website at: <https://www.dos.ny.gov/>

Benefits and Responsibilities of having an Approved LWRP

An LWRP serves as a mechanism for waterfront municipalities to work with DOS and federal, State and local partners identified in each LWRP to address local and regional issues important to community members. These issues are broad ranging, but waterfront focused. They include improving water quality and natural areas, guiding development to areas with adequate infrastructure and services and away from sensitive resources, increasing community resilience to natural hazards, promoting waterfront public access and recreation, and redeveloping underutilized waterfronts.

Some of the **benefits** of completing an LWRP include:

- **Clear direction** – An approved LWRP reflects community consensus for the waterfront and provides clear direction for appropriate future development. The LWRP can significantly increase a community's ability to attract appropriate development that respects the unique cultural and natural characteristics of the waterfront.
- **Comprehensive planning, technical assistance and advice** – An LWRP establishes a long-term partnership among local government, community-based organizations, and the State. DOS provides technical assistance to communities for comprehensive planning and the development of an LWRP.
- **Coordinated Review and Approval** – State and federal agencies have an opportunity to review and comment on the policies and purposes of the LWRP during the 60-day review period for a Draft LWRP. This participatory process provides agency "buy-in" opportunity that contributes to a basis for funding support and more knowledge of local considerations in agency actions and permitting that are subject to consistency review.
- **Federal, State and local consistency** – The activities of all three levels of government are required to be consistent with a locally-adopted LWRP that has been approved by the Secretary of State with concurrence by OCM. This "consistency" provision is a strong tool that ensures government agency actions at all levels are guided by the local program. Following completion of a coastal LWRP, DOS completes reviews and issues decision letters to assure that federal agencies are consistent with the LWRP coastal policies that the community has included in its LWRP. Municipalities with an approved LWRP also conduct local review for local actions. State agencies conduct consistency review for State agency actions.
- **Financial assistance** – An LWRP presents a consensus-driven, unified vision for a community. Having an approved LWRP increases a community's chances to obtain public and private funding for projects that are clearly identified in the LWRP (see Section 4 for guidance and tools for presenting proposed projects in the LWRP). Funding for both the preparation and implementation of LWRPs may be requested through New York State's Environmental Protection Fund under Title 11, Local Waterfront Revitalization Program (EPF LWRP), with DOS administering the awarded grants through staff support to the awardees. Other NYS agencies with funding programs that may support LWRP implementation projects include the

Office of Parks, Recreation and Historic Preservation (OPRHP), the Department of Environmental Conservation (DEC), and Empire State Development. Grant applications for these state programs are administered through the NYS Consolidated Funding Application (CFA).

There are some **responsibilities** for a municipality with an approved LWRP. The implementation and administration of an approved LWRP will be a continuing responsibility of the village, town or city. After approval of the LWRP, the municipality will be responsible for administering the local laws, regulations and procedures designed to ensure that local actions comply with the LWRP. The municipality will also carry out other activities necessary to accomplish the objectives of the program. The municipality will need to monitor local, State, and federal actions intended to be undertaken within its waterfront area. If it believes an action is not consistent with its approved LWRP, the municipality is responsible for providing notification to the Secretary of State in accordance with the coordination procedures included in the LWRP.



Valentino Pier,
Brooklyn, NY

III. STEP by STEP GUIDE for DEVELOPING THE LWRP

This chapter provides a step-by-step guide to organizing for and developing a new LWRP or revising and amending an existing LWRP. Required content for an LWRP is set forth in the Waterways Act.⁹ The Waterways Act also refers to additional guidance that may be prepared by New York State (such as this document) to provide more specificity on the content needed for an LWRP to be approved by the Secretary of State. A checklist for completing the LWRP is provided in Appendix 1 of this Guidance. It is intended to assist communities and their consultants with preparing an LWRP with the information needed for approval. Additional resources are referenced throughout this guide. DOS also provides technical assistance and support to communities throughout the LWRP development process.

Getting Started

Development of an LWRP is an in-depth planning process involving a multi-year commitment from municipal agencies and DOS staff. Before diving into the tasks needed to prepare the LWRP, there are three planning steps that DOS recommends to ensure that the municipality has the support to prepare the document and that the final product will reflect the consensus of the community. These steps consist of forming a waterfront advisory committee, procuring consultants, and involving the public.

1. Waterfront Advisory Committee

A waterfront advisory committee (WAC) is recommended for all communities undertaking development of an LWRP. The WAC should be appointed early in the process to oversee and coordinate development of the LWRP. Formation of a WAC is required if the community has been awarded an EPF LWRP grant for development of an LWRP or LWRP amendment. An optimum size for the committee is ten to fifteen members, including key stakeholders recognized as having the ability to get things done. Representatives of State, county, and municipal agencies with jurisdiction over project activities or the project area, non-governmental and community-based organizations, and local businesses should be included. In some communities, the functions of a waterfront advisory committee may be handled by an existing board, such as the planning board or a conservation advisory commission, but more often a separate committee is established to work on the LWRP.

The responsibilities of the waterfront advisory committee generally include:

- Managing the planning process or advising municipal staff and consultants on the process
- Providing valuable input on waterfront issues and existing conditions
- Holding regular WAC meetings and targeted focus group meetings, design charrettes, visioning and action planning workshops, and public hearings
- Informing others in the community about the process and how they can be involved
- Reviewing reports, designs, and other documents
- Keeping elected officials and municipal officials informed about the planning process
- Working with municipal staff, consultants, State agency staff, and others to complete tasks relating to the development of the LWRP

⁹ The Waterways Act, Article 42 of the Executive Law, §915 sets forth required content for an LWRP to be approved by the Secretary of State. See Appendix 2 for the full text of §915.

When developing a Joint Municipal LWRP, the communities involved should include representatives of each of their municipalities on the waterfront advisory committee. The sponsoring municipality for the Joint Municipal LWRP should also look at a wider geographic base to involve all appropriate organizations.

2. Procuring Consultants

Communities often hire consultants to supplement their own staff and volunteer resources or to gain use of special skills. Selecting a consultant involves the following steps:

1. Identify the role of the consultant using the following suggested steps:
 - Decide what the consultant will do. Consultants can assist with public involvement, inventory and analysis, mapping, development of local laws, writing the LWRP text, or entire project coordination.
 - Identify what skills, expertise, and experience the consultant will need to carry out the activities that have been identified.
 - Decide on the roles of the waterfront advisory committee, municipal staff, and the consultant.
2. Secure funding to cover consultant costs.
3. Develop and issue a Request for Proposals (RFP), Request for Qualifications or Request for Expression of Interest based on the roles and tasks that were identified, available funding, and the municipality's procurement policies. If preparation of the LWRP is supported by a DOS grant, the RFP should include the applicable tasks in the grant work plan, and there may be specific requirements identified in the contract between the community and the State, such as circulating the draft RFP to DOS for review and approval prior to release.
4. Form a selection committee, which is often a subset of the waterfront advisory committee, or for smaller projects it may be the waterfront advisory committee itself.
5. The selection committee should review and rank proposals submitted based on criteria included in the RFP and interview finalists. The selection committee will then submit their findings and recommendation for the most qualified firm to the waterfront advisory committee.
6. Prepare a consultant contract in coordination with the municipal board and municipal attorney. If preparation of the LWRP is supported by a DOS grant, the consultant contract should include the applicable tasks in the grant work plan.

Once the consultant has been selected and the contract is in place, schedule a meeting with the waterfront advisory committee, municipal leaders, and the consultant to review project requirements, local conditions, and roles and responsibilities; identify waterfront and harbor management planning issues, new information needs and next steps; and, transfer any information to the consultant(s) which would assist in completion of the LWRP.

3. Public Engagement

Successful waterfront revitalization happens when the community realizes that the waterfront belongs to them. By bringing people together, the community can create a vision that captures the ideas and interests of a broad constituency of those concerned with the future of the waterfront. The most effective way to ensure public participation is to prepare a public involvement and outreach plan at the beginning of the process. The public outreach plan can be prepared by the community, by the consultant, or as a joint effort as one of their first tasks. A public involvement plan is usually required if the community has been awarded an EPF LWRP grant for development of an LWRP or LWRP amendment.

The public outreach plan should include all aspects of the public involvement process. The plan should identify a diverse range of stakeholder groups and potential partnerships including key individuals, organizations, and entities to be involved. The public outreach plan should identify roles and responsibilities of municipal staff, the waterfront advisory committee, and the consultant in coordinating the entire public outreach process. The proposed schedule and content of public meetings, including a community visioning process, should be described. Methods that will be used for publicizing public meetings and workshops should be identified - such as press releases, announcements, web postings, individual mailings, and information tables at community events.

Waterfront VISION:

The City of Rochester's three great waterways and their unique assets and resources are a "world-class" attraction that enhances the quality of life for residents and visitors, preserves and protects the environment, encourages economic investment and is integrated into the fabric of our community.

More information and community case studies related to forming a waterfront advisory committee, procuring consultants, and public engagement are provided in the DOS guidebook, "Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities" available at:
http://www.dos.ny.gov/opd/programs/pdfs/Guidebooks/lwrp/LWRP_guidebook.pdf

Content of the Local Waterfront Revitalization Program Document

The LWRP document describes the municipality's program for the management of its waterfront resources. By following the recommendations for LWRP content in this guide, communities will be eligible to receive the full benefits of the Department of State's Local Waterfront Revitalization Program, including technical assistance and the opportunity to apply for implementation funding. The following headings reflect the required content of an LWRP as stated in Article 42, § 915, and 19 NYCRR Part 601 (see Appendix 2). The description of each section provides further information that will assist municipalities in developing a comprehensive LWRP.

Communities and their consultants should work closely with DOS throughout the development of the LWRP to obtain technical assistance and advice on preparation of the LWRP sections, maps, projects and local laws described in this guide.

The LWRP should be prepared according to the following guidelines and subsequently adopted by the local government. Once approved by the Secretary of State and the federal Office of Coastal Management, an LWRP in the coastal area substitutes for the State Coastal Management Program within the waterfront revitalization area described in the LWRP and becomes the primary program for reviewing local, State, and federal actions affecting that waterfront revitalization area.

Introduction: Statement of Goals and Objectives

Development of an LWRP typically begins with engaging the community to develop a vision, goals, and objectives for future use of the community's waterfront. A vision statement arrived at through consensus articulates what the community members see as their shared future and what they hope to accomplish through an investment of time and money. A vision statement is further refined by goals that establish

broad guidelines on particular issues and objectives describing a series of achievable tasks to fulfill the vision and goals.

The vision statement, goals, and objectives mark a starting point for the actions that will guide the community revitalization process from planning through successful implementation. The completed LWRP should express a vision of what the waterfront can become, and a pragmatic strategy for achieving that vision. Planners and consultants experienced in community visioning can be very helpful in guiding the community through this process. More information and case studies about community visioning are provided in the DOS guidebook, “Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities” available at:

http://www.dos.ny.gov/opd/programs/pdfs/Guidebooks/lwrp/LWRP_guidebook.pdf

A VISION for Long Island Sound:
A Long Island Sound coastal area enriched by *enhancing* community character, *reclaiming* the quality of natural resources, *reinvigorating* the working waterfront, and *connecting* people to the Sound.

Section 1: Boundaries of the Waterfront Revitalization Area and Harbor Management Area

The policies, projects and programs described in the LWRP will be implemented within defined geographic areas known as the local Waterfront Revitalization Area and Harbor Management Area.

The Waterfront Revitalization Area (WRA) for coastal communities is, by default, the area within the municipality that falls between the NYS Coastal Area Boundary (the upland boundary) and the municipal boundary (the waterside boundary), which in some cases is at the water's edge and in other cases extends out from the shoreline into the water. The Coastal Area Boundary is available for both viewing and data download on the New York Department of State's Geographic Information Gateway at:

<http://www.dos.ny.gov/opd/atlas/index.html>

However, after undertaking a preliminary review of waterfront resources, problems and opportunities as described below, a municipality may determine that a different boundary makes sense. In such a case, the municipality may propose, supported by a written justification, that the WRA encompass a subset of the municipal area that lies within the State Coastal Area Boundary. This would be accomplished by setting the WRA upland boundary closer to the water than the existing State Coastal Area Boundary. In this scenario, the LWRP policies will apply in the WRA subset area, and the State coastal policies will apply in the rest of the municipality within the State Coastal Area Boundary. The municipality may also propose that the existing State Coastal Area Boundary be expanded inland, however this change requires a written justification explaining why the expanded area is important for inclusion in the WRA and must be approved by the DOS.

To determine the boundaries of the WRA in a coastal community,¹⁰ a municipality should conduct a preliminary review of waterfront resources, problems, and opportunities and fully document the reasons for selecting the WRA, presented in the LWRP as an explanation of the *upland boundary* and the *waterside boundary*.

Determination of the WRA *upland boundary* should reflect the following criteria:

¹⁰ Contact DOS for guidance on identifying the WRA boundary for LWRPs on designated inland waterways.

- Include areas that affect or are affected by waterfront issues, problems, and opportunities, with a focus on water-dependent¹¹ and water-enhanced uses;¹²
- Include natural and cultural resources with a physical, social, visual, or economic relationship to the waterfront;
- Include any areas necessary for the achievement of policies in the LWRP. For example, if a policy of the LWRP is to encourage development of a specific vacant parcel of land that relates to waterfront revitalization, the entire parcel should be included within the waterfront area boundary; and,
- The boundary should follow recognizable natural or cultural features (waterways, streets, railroads, etc.) to the extent possible.
- The boundary should be drawn to reflect a nexus between activities occurring in the upland portion of the WRA and the waterway.

The *waterside boundary* of the WRA will be the official municipal boundary, which in some cases is at the water's edge and in other cases extends out from the shoreline into the water.

For the HMA boundary, extension of municipal jurisdiction over water needs to be considered and shown on the boundary map, usually depicted as the offshore 1,500 foot extraterritorial limit in which the State has delegated regulatory authority to the municipality for Harbor Management Plans.¹³ Where cities, villages, and towns intersect the 1,500 foot boundary the adjoining municipalities may need to enter into an intermunicipal agreement for regulation of the harbor activities. Consultation with the municipal attorney will be needed. See Appendix 3 for guidance on HMA boundaries and preparing Harbor Management Plans.

Both Draft LWRPs and Draft LWRP Amendments must include a map showing the municipal boundary, the existing State Coastal Boundary and any proposed revisions to the existing Coastal Boundary (further inland only), the proposed WRA boundary, surface waters, and adjacent uplands which affect the waterbody. The document must also include a narrative description of the existing coastal boundary running through the municipality, and a description of any proposed revisions. If a revision to the boundary is being recommended, the document must provide clear and justifiable reasons for the proposed revision. See Appendix 4 for guidance on preparing maps for the LWRP, including required maps, data sources, and suggested graphic formats.

Recommendations for revision of the coastal boundary cannot be officially approved or disapproved until after review of the Draft LWRP. DOS will advise the municipality on whether the recommended

¹¹ *Water-dependent use* means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water. (From 19 NYCRR 600.2)

¹² *Water-enhanced use* means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses. (From 19 NYCRR 600.2)

¹³ Section 46-a of the Navigation Law and Section 130.17 of the Town Law provide municipalities with the authority to regulate certain vessel uses upon waters within a municipality, or bounding a municipality to a distance of 1,500 feet from shore. These enabling statutes only apply to the regulation of the over-water use of vessels. Where a municipality's corporate limits end at the shore, Sections 46-a of the Navigation Law and Section 130.17 of the Town Law provides municipalities with the extraterritorial authority to regulate the over-water use of vessels up to 1500 feet from the shore. However, Section 130.17 (3) of the Town Law prohibits a town from regulating the over-water use of vessels upon waters within a village, or within 1500 feet from the shore of a village.

revisions appear to be reasonable and acceptable. Recommended revisions that will substantially increase the State Coastal Area must be supported by evidence that the additional areas meet the criteria for *upland boundary* and *waterside boundary* specified previously in this section.

The initial recommendation for the WRA and HMA boundaries should be revisited after completion of the inventory and analysis and public discussions to determine if any additional areas need to be added to the WRA or HMA.

Section 2: Inventory and Analysis

The core of an LWRP is a comprehensive inventory and analysis of existing conditions within, or having effects within, the WRA. This section of the LWRP describes important resources, persistent or emerging problems, opportunities, and other issues. Only with specific knowledge and thorough understanding of the problems and opportunities present in the WRA will the municipality be able to develop an LWRP that will be effective in achieving the results desired.

The inventory and analysis must be broad enough to ensure consideration of all important waterfront resources, problems and opportunities. The inventory also must be detailed enough and provide documentation thorough enough to support the coastal policies, existing and proposed land use controls, and project proposals described later in the document. Existing inventories should be used as much as possible. In addition to work previously done by the municipality, the strategic plan developed by the respective Regional Economic Development Council (REDC), studies completed by county and regional planning agencies, and planning work done by various local organizations all provide useful information.

Maps which clearly show natural and cultural resources, conditions, and other waterfront features referred to in the inventory and analysis must be included to supplement the text. Appendix 4 of this Guidance document provides information on both required and suggested maps that will help the community illustrate important natural and cultural features in the WRA. Data sources and suggested graphic formats for LWRP maps are also provided in Appendix 4.

Area of Coverage

The inventory and analysis must be completed for the entire WRA covered by the LWRP. The defined WRA should be based, in part, on the inventory and analysis of the local waterfront area. Conversely, the area to be covered by the inventory depends upon the location of the WRA boundary. Therefore, the inventory and analysis and the review of the boundary need to be closely coordinated. If the municipality has demonstrated that it is necessary to move all or a portion of the WRA boundary inland as part of an LWRP Amendment, the inventory must include resources and issues in the additional upland areas proposed as additions to the designated WRA.

Organization

There are many acceptable ways of organizing the inventory and analysis information and there is no prescribed format for this section of the LWRP document. However, the community will be using the inventory and analysis to refine explanations of the coastal policies for the LWRP. Also, DOS and other State and federal agencies will be looking at the inventory and analysis when reviewing the Draft LWRP to support refinements of the policy explanations that the community has made. Later, when the community is implementing the LWRP by reviewing designs and permit applications for proposed projects in the WRA for consistency with its policies, or applying for funding to carry out

projects proposed in the LWRP, it will be easier to find background information for support if the inventory and analysis is organized to parallel the policies.

Therefore, it is useful to present the information in the inventory and analysis in one of three ways:

1. Organized by the major areas addressed by the 44 State coastal policies: development (State coastal policies #1 – 6); fish, wildlife and wetlands (State coastal policies #7 – 9, 44); flooding and erosion hazards (State coastal policies #11 – 17); public access and recreation (State coastal policies #19 – 22); historic and scenic resources (State coastal policies #23 – 25); agricultural lands (State coastal policy #26); energy and ice management (State coastal policies #27 – 29); and water and air resources (State coastal policies #30 - 43).
2. Organized by the major areas addressed by the 13 Long Island Sound policies: the developed waterfront (Long Island Sound policies #1 - 3), the natural waterfront (Long Island Sound policies #4 – 8), the public waterfront (Long Island Sound policy #9), and the working waterfront (Long Island Sound policies #10 – 13).
3. Table 1 at the end of this section provides a summary of the suggested content and a sample organization format for the Inventory & Analysis.

For more information about development of coastal policies see Section 3 of this Chapter, for lists of the State coastal policies and Long Island Sound policies see Appendices 5 and 6.

Data and Information

The Inventory and Analysis should start with information about the regional setting and community characteristics of the municipality. Basic, relevant data about the community establishes an overall context for the LWRP and provides a basis to analyze existing conditions. This information is particularly useful to the State and federal officials who will be reviewing the Draft LWRP prior to approval, and may be unfamiliar with the community. This data should include:

- A description of the community (population, demographics and major economic activities);
- Statistics on the waterfront area (miles of shoreline, number of acres or square miles);
- Orientation to the waterfront area (map and citation of major streets, sub-areas and landmarks);
- A brief description of the historical development of the waterfront area; and
- Past planning efforts, including local land use plans, economic development plans, open space plans, watershed plans, recreation plans, and regional plans relevant to the community such as transportation plans.

All data in the LWRP should be referenced with a source and the year when the data was collected.

The remaining sections of the Inventory and Analysis must include all information needed to determine whether a particular State coastal policy applies to the community's waterfront area, to develop specific and realistic proposed uses, and, as appropriate, proposed projects for the WRA. The information presented must be broad enough to ensure consideration of all important waterfront

resources, problems and opportunities and detailed enough to support development of a specific and realistic LWRP.

Suggested data and information includes the following - listed in the same order as the suggested format. **The community can vary this list according to their needs and the focus of the LWRP, however, basic information as prescribed in Article 42, § 915.4 and 915.5 must be included (see Appendix 2):**

- Existing land use, development, and economic strengths, weaknesses, and opportunities for ongoing waterfront revitalization–
 - Land use and ownership patterns (public and private), including underwater lands
 - Abandoned, deteriorated, or underused sites and buildings, including dock facilities, railyards, and industrial sites
 - State certified agricultural districts or soils suited to agriculture
 - Highways, roads, parking, mass transit, bike and pedestrian access, rail lines and rail rights-of-way
 - Port districts or authorities

- Condition and availability of infrastructure –
 - Water supply, wastewater treatment, vessel waste facilities, and stormwater management
 - Transportation systems, including road, rail, and maritime
 - Energy production and transmission
 - Shoreline infrastructure such as bulkheads, docks and docking facilities, underwater infrastructure, cables and pipelines

- Existing water-dependent uses including commercial, industrial, and recreational uses such as ferries, marinas, boat yards, transshipment facilities, public piers, boat/canoe launches, swimming areas, vessel anchorage and mooring areas, and commercial and recreational fishing and shellfishing areas and uses

- Navigation and dredging –
 - Navigation channels and dredged material disposal activities, including any federal navigation channels, beach nourishment sites, and beneficial use sites

- Relevant local land use and development controls –
 - Zoning regulations, subdivision review, and site plan review
 - Design standards, overlay districts
 - Stormwater management and erosion and sediment control
 - Flood damage prevention
 - Wetland and watercourse protection
 - Parkland preservation
 - Historic preservation
 - Scenic areas and/or open space protection
 - Local natural area protection
 - Renewable energy goals

- Natural resources, topography, hydrology, and geology –
 - NYS Significant Coastal Fish and Wildlife Habitats
 - Locally important fish and wildlife habitats
 - Important Bird Areas
 - Rare or endangered species or natural communities
 - Tidal and freshwater wetlands and water courses and their classifications
 - Surface and groundwater resources for public and private water supplies
 - Topography, including steep slopes and landscape features
 - Bedrock and surficial geology, minerals, and soils
 - Important waterfront views and visual quality
 - Classification of shoreline types based on available shoreline typologies (contact DOS for most current information)
 - Natural areas of shore-adjacent deep water including any suitable for use as channels

- Flooding and erosion –
 - State-designated Coastal Erosion Hazard Areas
 - Federally-designated Flood Hazard Areas, floodways, coastal high hazard areas (V/VE zones)
 - Natural protective features (e.g., dunes, wetlands), vegetated stream buffers, surface water storage capacity and forested land cover
 - Critical infrastructure and community assets and services at risk from flooding and drought, and critical assets to serve the community during an emergency response
 - Impervious surface area, bridges, and other existing infrastructure or watercourse conditions that may cause adjacent or downstream flooding impacts

- Existing and desired open spaces, public access to the waterfront, publicly-owned waterfront land, recreation uses and facilities

- Tourism resources including hotels, destinations, attractions and services

- Federal, State, and locally-designated historic and cultural resources –
 - State and National Registers of Historic Places - sites and districts listed, nominated for, or eligible for listing
 - Federal- or State-designated Heritage Areas or Corridors
 - Federal or State recognized tribes and/or reservations
 - Scenic Areas of Statewide Significance (SASS)
 - Locally-designated historic and scenic resources
 - Archaeological resources, including shipwrecks and historic dry docks
 - Hazardous waste sites (e.g. Superfund)

- Issues related to water and air quality –
 - Point and nonpoint sources of pollution
 - Watersheds associated with the waterfront
 - Water quality, quantity and related infrastructure, including drinking water

- Air Quality Maintenance Areas, including EPA Nonattainment Areas for Criteria Pollutants
- Additional information needed for a comprehensive asset inventory for the risk assessment tool described later in this section –
- Housing details by name, location and type (single family, multi-family, apartment, mixed use, senior)
 - Economic assets by name and location (industrial, warehousing, manufacturing, restaurants, lodging, banks and financial services, marinas and other water-based businesses, grocery stores and food suppliers, tourism destinations)
 - Health and social services facilities by name and location
 - Location of socially vulnerable populations and the assets that support them
- Existing authorities of federal, State, regional, and local agencies that have jurisdiction in the waterfront revitalization area (consult with DOS for current information on federal and State agencies), which may include:
- National Oceanic and Atmospheric Administration; U.S. Coast Guard; U.S. Army Corps of Engineers; Federal Emergency Management Agency (FEMA); and, National Parks Service, U.S. Department of Interior
 - The State Departments of State; Environmental Conservation; Health; Transportation; the Office of General Services; Office of Parks, Recreation, and Historic Preservation; Division of Homeland Security and Emergency Services; State Emergency Management Office; Homes and Community Renewal; Empire State Development; Bridge, Port, and Thruway Authorities; and the Canal Corporation
 - Agencies of the city, town, or village, or a county (if the county regulates activities in the waterfront revitalization area)
 - The local harbormaster, bay constables, code enforcement officer, building inspector, police department, or sheriff's office

A summary of the information suggested in this section for the Inventory and Analysis along with sample format for presenting the various topics is provided in Table 1.



Sackets Harbor Battlefield
State Historic Site
Lake Ontario

Table 1. Example approach to organizing the content of the Inventory and Analysis

Community Background

Community profile – location, population, employment

Overview of waterfront area

Historical development of waterfront area

Summary of existing Plans, Projects and Initiatives that effect the waterfront area such as the municipal comprehensive plan, All-Hazard Mitigation Plans, watershed management plans, downtown revitalization plans, community resiliency plans

Identification and assessment of existing land use and development including economic strengths, weaknesses, and opportunities for ongoing waterfront revitalization

Existing land and water uses*

Ownership patterns, (public & private) including underwater lands*

Zoning* – list and definitions of the current zoning districts, describing out how they support the existing land uses. NOTE: A more detailed discussion of the Zoning should be in Section V.

Public services and facilities* – water & sewer, vessel waste facilities, transportation, navigation channels/basins, bulkheads, docks and docking facilities

Abandoned, deteriorated or underutilized areas, sites and buildings

Hazards to navigation, such as abandoned barges and deteriorated pilings*

Limitations to development

Water-dependent uses*; water-enhanced uses and related issues

Port or small harbor development

Housing, economic, health and social services assets, and locations of socially vulnerable populations (detailed information needed for the resiliency Risk Assessment Tool)

Natural Resources

NYS Significant Coastal Fish and Wildlife Habitats*

Fish and wildlife habitat (other important areas not designated by New York State)

Wetlands*

Water resources and water quality

Water quality classifications and use standards*

Natural protective features

Commercial Fishing and Aquaculture

Flooding and Erosion

Coastal hazards

Storm surge and sea level rise risk

Public Access and Recreation – parks, trails, boat launches, fishing access, beaches

Historic and Archeological Resources

Historic underwater sites or structures (shipwrecks, dry docks, archeological underwater sites)*

Scenic Resources and Visual Quality – Scenic Areas of Statewide Significance; significant viewsheds within the WRA*

Agriculture and Agricultural Lands

Energy and Ice Management

Major energy-generating facilities and transmission networks, underwater cables and pipelines

Environmental Quality*

Discharge of pollutants and management of solid waste

Air quality

Summary of Strengths, Weaknesses, Opportunities and Threats / Findings and Conclusions

*Subjects required for the Harbor Management Plan (HMP) Inventory, additional information is also required for analysis of conditions and considerations in the HMA (See Appendix 3 for Harbor Management Plan guidance, and Appendix 2 for 19 NYCRR §603.3 which states the required contents of HMPs).

Analysis of the Inventory to identify Specific Problems and Opportunities

Once the inventory is complete, the next step is to **analyze** the existing waterfront conditions to identify specific problems and related opportunities relating to the use and protection of waterfront resources. For example, the community may need to analyze existing public access to the waterfront to not only establish the need for improving public access, but also to determine specifically where and how public access can be increased while protecting natural resources.

An LWRP must address **ALL** important problems and opportunities evident from the inventory of existing waterfront conditions.

The analysis should also examine what the factors are that shape problems and opportunities and their interrelationships. For example, what are the important natural resources in the WRA that contribute to long-term community sustainability? If historic resources are important to the community, what are the factors causing them to be endangered? Have historic sites become deteriorated and abandoned as a result of decline in market demand, because they are being replaced by new development, or have they been insensitively altered as a result of an increase in market demand?

While the analysis of existing conditions should help focus the LWRP on the important problems and opportunities present in the waterfront area, consideration of problems and opportunities should not be limited to only those of greatest or most immediate interest. Additionally, communities should be aware of the regional, State or national context for their waterfront planning, including any State or federal policies, designations, or assets that could affect the development and implementation of specific LWRP strategies or components, e.g. State and national energy, transportation, or communications systems.

In-depth Analysis - Risk and Resiliency

The vitality and resilience of a community rests on its ability to reduce or avoid harm and rebound from severe weather-related impacts, including flooding and erosion, and other natural hazards when they occur. Climate change, sea level rise, drought, increased frequency and intensity of storms, and the resultant effects from both weather-related changes and natural processes challenge communities and impact services on which residents and tourists depend. An analysis of potential risks in the LWRP will provide support for related coastal policies, proposed land and water uses, and proposed projects that can improve the resiliency of the community.

Where data and maps are available (All-Hazard Mitigation Plans are one source of data), resiliency planning should be included in the LWRP to provide

Important Steps in the Resiliency Planning Process

Asset Inventory: Completing an inventory of the community's social, economic, and natural resource assets that have been, or will be, affected by coastal or riverine hazards.

Risk Assessment: Assessing risk to key community assets based on the three factors contributing to risk: Hazard, Exposure and Vulnerability.

Needs and Opportunities Assessment: Determining needs and opportunities to improve local economic growth and enhance resilience to storms.

Strategies for Investment and Action: Developing strategies and the projects and actions needed to implement the strategies; identifying potential costs and benefits of chosen projects and actions, and potential funding sources.

Implementation Schedule: Preparing an implementation schedule of the actions needed to implement the strategies.

an in-depth risk assessment including current and projected natural hazard risks, and development of prioritized resiliency measures for the WRA. DOS developed a risk assessment tool for the New York Rising Community Reconstruction (NYRCR) Program. This tool is now available for use by coastal communities, as described later in this section of this guide. If an LWRP community was included in a risk assessment as part of a previously-completed NYRCR Plan, the risk assessment from the NYRCR Plan can be used in the community's LWRP.

The resiliency planning components include:

- Asset inventory: In the Inventory and Analysis, identify economic, health and social services, housing, infrastructure, and natural and cultural resource assets that have been, or will be, affected by flooding, erosion, drought, or other hazards that may be worsened by climate change. If available, an All-Hazard Mitigation Plan can provide data about community assets in these categories. Coastal Risk Maps are a good source of information about flooding in areas where these maps have been completed.¹⁴
- Identify actions and policies that improve community resilience, including the capacity of natural protective features to reduce risk.
- Assess risks to key assets, including identification of assets in risk zones using Coastal Risk Maps, scenario planning, and other statewide risk management guidance.
- Conduct a Needs and Opportunities Assessment to determine short- and long-range needs and opportunities to enhance resilience to future storms, flooding, drought, and sea level rise.
- Assess the needs of socially vulnerable populations of the community such as the elderly, young, non-English speaking, low-income, or unemployed.
- Monitor progress towards improved resilience, particularly after an event, such as a hurricane or drought. The monitoring should be related to the asset inventory, risk assessment, and associated needs and opportunities analysis. DOS welcomes suggestions from communities regarding new and innovative approaches to monitoring improved resilience in this emerging field of science.

Where available, communities should incorporate the DOS Risk Area Maps in their LWRPs as a useful tool for planning resiliency goals, projects and strategies. The DOS Risk Area Maps can be viewed and data downloaded from the Geographic Information Gateway at <http://opdgig.dos.ny.gov/#/home> by searching for “DOS Risk Area Maps.” Excel spreadsheets designed to complete the Asset Inventory and Risk Assessment can also be downloaded from the Geographic Information Gateway. The tools are located in the Resources/Tools section of the Climate Change and Resilience Focus page (<http://opdgig.dos.ny.gov/#/focus/resilience>). For coastal areas, click on “Inventory and Coastal Risk Assessment Tool”; for rivers, click on “Inventory and Riverine Risk Assessment Tool”. Contact DOS for more information about how to use these tools.

Where risk maps have not been completed, other datasets and tools are available to help determine risk from flooding or drought. In federally-approved coastal areas FEMA has mapped 100-year, and 500-year floodplains that represent the high, and moderate risk zones, respectively. Communities can also delineate areas of historic flooding or known areas that flood frequently (such as the 10-year floodplain) to improve their risk areas with locally-specific information. To supplement the FEMA maps, other tools related to flood risks/climate change in NY can be found at

¹⁴ Coastal Risk Maps are a resilience planning tool that show areas of relative extreme, high, and moderate flood impacts. DOS completed Risk Area Maps for the downstate area (Westchester County, New York City, and Long Island) in response to Superstorm Sandy to inform the NYRCR Program.

<https://nyclimatescience.org/> . Additional tools, data, and resources related to risk and resilience, as approved by DOS, can replace or supplement the DOS Risk Assessment Process.

Sea level rise projections are also an important tool for community resiliency planning. The NYS Department of Environmental Conservation (DEC) has adopted science-based sea level rise projections in its 6 NYCRR Part 490 regulations (<http://www.dec.ny.gov/regulations/103877.html>)¹⁵ for the State's tidal coast, including: the marine coasts of Nassau, Suffolk, and Westchester counties; the five boroughs of New York City; and, the main stem of the Hudson River, between New York City and the federal dam at Troy. The sea level rise projections were completed under the Community Risk and Resiliency Act, Chapter 355 of the Laws of 2014 (CRRA), signed into law by Governor Andrew M. Cuomo on September 22, 2014. The CRRA is intended to ensure that decisions regarding certain State permits and expenditures consider climate risk, including sea-level rise.

DOS encourages communities to use the “Medium,” “High-Medium,” and “High” sea level rise projections specified in 6 NYCRR 490.4 for planning and decision-making. Using these tools will allow communities to locate future development and reconstruction from current and previous storm damage outside of areas at greater risk of increased flooding, erosion, and storm surge damage due to sea level rise.



Stony Point,
Hudson River
Estuary
(Superstorm
Sandy, 2013)

¹⁵ For a direct link go to:

[https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=I260cc0e004f811e7936bb1f32e5da307&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=I260cc0e004f811e7936bb1f32e5da307&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Section 3: Local Waterfront Revitalization Policies

The Policies section of the LWRP is extremely important, since the future actions of all levels of government - local, State, and federal - will be guided by the policies contained in the LWRP. The approved LWRP replaces the State Coastal Management Program within the WRA, allowing for coordination between local governments, State agencies, and federal agencies to effectively manage the coastal resources within the WRA.

What are Coastal Policies?

Coastal policies are enforceable statements of action that support the goals of promoting the most beneficial use of coastal resources, preventing their impairment, or addressing major activities that substantially affect numerous resources, representing a balance between economic development and preservation. The State Coastal Management Program (CMP) contains 44 policies established to address the entire 3,200 miles of the State's extremely diverse coastline.

Through the LWRP, local communities have the opportunity to refine the State coastal policy explanations and elaborate on how they apply to the local waterfront revitalization area, effectively adapting a State program to local needs and objectives. Communities may accomplish this by adding relevant information specific to the community to the explanations that follow each policy. A summary list of the 44 coastal policies is provided in Appendix 5. For detailed information about how to address and refine each coastal policy see Appendix B of the CMP, available at:

https://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf

In the Long Island Sound region, refinement of the CMP was accomplished in 1999 in coordination with local communities through development of the Long Island Sound Coastal Management Program (LIS CMP)¹⁶. The LIS CMP takes the place of the CMP in the Long Island Sound region, and communities there should utilize the 13 coastal policies in the LIS CMP, instead of the 44 State Coastal Management Program Policies, when making further refinements to the policies for their LWRP. A summary list of the 13 Long Island Sound policies is provided in Appendix 6.

The NYS and Long Island Sound coastal policies can be organized into subject areas as shown in Table 2. The community may also wish to use these subject areas to organize some of the information in the Inventory and Analysis, providing a useful link between the policies and corresponding background data:

It is recommended that communities and their consultants work closely with DOS when beginning work on the policies section to ensure that the correct set of policies is being utilized and for guidance on adding local information to refine the policy explanations.

¹⁶ The Long Island Sound Coastal Management Program replaces the State Coastal Management Program for the Sound shorelines of Westchester County, New York City to the Throgs Neck Bridge, Nassau County, and Suffolk County.

Table 2. Organization of Subject Areas for Coastal Policies	
NYS Coastal Management Program Policies: Subject Areas	Long Island Sound Coastal Management Program Policies: Subject Areas
<ul style="list-style-type: none"> • Development (Policies 1-6) • Fish and Wildlife (Policies 7-10) • Flooding and Erosion Hazards (Policies 11-17) • General (Policy 18) • Public Access (Policies 19 and 20) • Recreation (Policies 21 and 22) • Historic and Scenic Resources (Policies 23-25) • Agricultural Lands (Policy 26) • Energy and Ice Management (Policies 27-29) • Water - Air Resources and Wetlands (Policies 30-44) 	<ul style="list-style-type: none"> • Developed Coast (Policies 1-3) • Natural Coast (Policies 4-8) • Public Coast (Policy 9) • Working Coast (Policies 10-13)

How are Coastal Policies used?

Federal and State agencies use the coastal policies in the LWRP as the basis to determine consistency with the policies when undertaking funding decisions or direct actions for proposed projects and activities located in or having effects within the waterfront area. Applicants for a license, permit or other form of approval certify consistency with the coastal policies. The State coastal policies are derived from existing State laws and regulations. Therefore, State agencies are required to adhere to each policy statement to the maximum extent practicable when reviewing and approving actions in the coastal area. While the policies are enforceable as a matter of federal, State and local law for reviews conducted under the federal Coastal Zone Management Act, the explanatory text that accompanies each policy is for explanatory purposes only.

Local governments are responsible for evaluating a proposed action in the WRA to determine whether a local action is consistent with the coastal policies and purposes described in their approved LWRP. The tool for this review is a Local Waterfront Consistency Review Law which is adopted by the local government at the same time as the approved LWRP. The local consistency law includes the coastal policies as the regulatory basis for determinations and uses a Waterfront Assessment Form (WAF). The WAF is a checklist for gathering information about the project and determining alignment with the policies in the LWRP. A template for the Local Waterfront Consistency Review Law and WAF are included in Appendix 7 of this guide, and more information on consistency reviews is available at <https://www.dos.ny.gov/opd/programs/consistency/index.html>

Writing the Local Waterfront Revitalization Policies Section

The coastal policies section of the LWRP serves to refine the explanations of the State coastal policies to reflect local conditions. To approach this section, communities should start with the 44 NYS coastal policy statements and their accompanying explanations, except for communities in the Long Island Sound region who should use the 13 Long Island Sound policies. The text of the coastal policies is available in the following formats for communities to use as a template for the LWRP coastal policies section:

- The full text of the 44 coastal policies with policy explanations in PDF format, and 13 Long Island Sound coastal policies, can be downloaded from the DOS website at:
<http://www.dos.ny.gov/opd/programs/pdfs/CoastalPolicies.pdf>
<https://www.dos.ny.gov/opd/programs/pdfs/liscmppolicies.pdf>
- For a Microsoft Word version of the full text with policies explanations please contact DOS.
- See Appendix 5 of this guide for a list of the 44 State coastal policy statements, without explanation of those statements. A summary list of the 13 Long Island Sound policies is provided in Appendix 6.

Through the LWRP, local communities may refine the coastal policy explanations and elaborate on how the policy applies to the local Waterfront Revitalization Area, effectively adapting a State program to local needs and objectives. Adding local information to the policy explanations focuses the application of the State policy to address local conditions and needs.

Within each policy section in the template, the main State coastal policy statement, provided in bold text, should not be altered. This is because each statement was derived from specific state laws and regulations, and each word has meaning in the context of those regulations. For example, **“Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.”** should be included in the LWRP exactly as written.

Next, the municipality should determine if any of the policies are not applicable to their community. For example, Policy 3, **“Further develop the State’s major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as center of commerce and industry . . .”** would not apply to any municipality other than those five listed in the policy. However, the policy statement should still be included in the document, and the policy explanation should consist of a brief one or two sentence explanation noting that the policy is not applicable to the municipality and explaining why it is not applicable.

Finally, the municipality should import the explanation language for each policy provided by the State into the draft LWRP. The community should then review each of the explanations and determine whether the language is adequate to address important resources, problems, and opportunities in the community’s waterfront. When needed, the explanation can be refined to add information that reflects local waterfront characteristics, certain geographic areas, specific local standards and criteria, and proposed land and water uses that have been described in more detail in the Inventory and Analysis.

An example of refining the coastal policy explanation is taken from the Town of Alexandria and Village of Alexandria Bay LWRP. The municipalities added specific area references by inserting the following paragraph in the Policy 1 explanation, “The actions proposed within the local



Scenic View Park, Alexandria Bay

waterfront revitalization area must further its revitalization. Of particular concern is the waterfront property along Scenic View Park and Casino Island and adjacent parcels. When any action is proposed in that area, or elsewhere within the WRA, such action must be analyzed to determine if the action would contribute to or adversely affect waterfront revitalization efforts.”

DO’s and DON’Ts of writing LWRP policy explanations:

- When considering adding information to the policy explanations to supplement the State policies, **DO** review existing local laws and regulations and make sure that the policies reflect and are supported by those laws and regulations. If not, new local regulations will be needed. This is important for two reasons:
 1. Policies and their explanations will be used by the municipality and State and federal government agencies to determine if a proposed action is consistent with the policy.
 2. State and federal agencies are legally required to be consistent only with the policies and purposes of the LWRP and not with the local laws themselves. However, including local law standards in the explanation of a relevant policy will provide information that State agencies can consider during State consistency review.
- **DON’T** include indefinite references to possible actions, such as, “If necessary, the Town will consider the feasibility of providing additional recreational facilities at appropriate locations.” The words “If necessary”, “may”. or “should consider” do not prescribe an enforceable action.
- **DON’T** describe how the municipality intends to implement the policy, such as, “The Town will adopt site plan regulations to ensure that buildings are sited to minimize damage from erosion.” Instead, implementation measures should be described in Section 4. Proposed Land and Water Uses and Projects, or Section 5. Techniques for Local Implementation of the Program. These measures also need to be in place before the LWRP can be officially approved by DOS and OCM.
- When writing policy explanations, **DON’T** include extensive descriptive information which properly belongs in the Inventory and Analysis. Rather, policy explanations should summarize important issues, local standards, and geographic priorities.

The policy statements are enforceable as a matter of State and local law. However, for reviews conducted under the federal Coastal Zone Management Act, the explanatory text for each policy is for explanatory purposes only.

Table 3 provides additional information to guide communities in development of appropriate policy explanations when refining coastal policies for the LWRP. DOS can assist communities with developing effective policy language to address local issues.

Table 3. Examples of Proper and Improper Information to Refine Policy Explanations	
<p>RIGHT: Provide for a mix of water-related commercial and recreational uses within the Northern Harbor District of the waterfront area.</p>	<p>WRONG: Promote an appropriate mix of uses within the waterfront area. <i>This is too vague. The appropriate mix of uses should be determined as part of the analysis of waterfront conditions and specified in the local policy.</i></p>
<p>RIGHT: Rehabilitate deteriorated commercial and residential properties within the Old Town District of the waterfront area.</p>	<p>WRONG: Develop a rehabilitation assistance program for waterfront properties. <i>This is an implementation technique rather than a policy and should be discussed in the Local Implementation Techniques section of the LWRP.</i></p>
<p>RIGHT: Development within or near the State-designated habitat shall be sited so as not to impair the viability of the habitat</p>	<p>WRONG: Ensure the protection and preservation of State designated habitat. <i>This is a paraphrase of the State policy.</i></p>

Section 4. Proposed Land and Water Uses (including Harbor Management Plan) and Proposed Projects

This section of the LWRP may be referred to as the “Action Strategy” of the local program. The proposed land and water uses of the LWRP translate the policies of the program into a cohesive, physical plan for the waterfront revitalization area. When proposing land and water uses and projects, the community’s policies for use and protection of the waterfront as outlined in Section 3 of the LWRP should be considered along with development potential and development constraints, each of which is determined by interrelated physical and social factors. Both land uses and water uses should be planned for suitable areas, be compatible with adjoining uses (including those immediately beyond the municipal boundary), and applicable government regulations should be identified.

The LWRP should describe the land and water uses to be accommodated within the waterfront revitalization area as clearly and precisely as possible. LWRP Section 2 (Inventory and Analysis) and Section 3 (LWRP Policies) provide that specificity through presentation of asset descriptions, data, mapping, and in the policy explanations. The description of proposed uses should build on the information in Sections 2 and 3 by clearly conveying the community’s intentions for the future use of its waterfront area.

A land use map depicting proposed uses is required for Section 4. The land use plan may be organized into sub-areas or sectors of the waterfront. If this approach is taken, delineation and use of sub-areas should be consistent throughout the LWRP, including Section 1. (See Appendix 4 for guidance on LWRP maps.)

In general, the proposed uses should reflect the following considerations that reflect waterfront policies:

- Are the proposed uses realistic in view of current land use and development trends and projected needs?
- Are the proposed uses appropriate in relation to physical features, environmental constraints, economic development goals, and other determinants of the suitability of land for development?
- Do the proposed uses concentrate development in areas currently provided with public infrastructure and services?
- Is adequate space allocated for existing and desired water-dependent, water-related, or water-enhanced uses?
- Is provision made for maintaining and, where desired, increasing public access to the shoreline?
- Do the proposed land uses minimize the potential for loss of human life and property damage from current and future erosion and flooding?
- Do the proposed land uses adequately protect, and where appropriate and desired, enhance important natural, economic, historic, and scenic resources and contribute to long-term community sustainability?

Writing the Proposed Land and Water Uses and Proposed Projects Section

The proposed land and water uses and proposed projects will serve to implement the goals and objectives of the LWRP. Throughout the planning process, many potential projects are likely to be identified that can further the community's vision. There is no limit on the number of projects that can be proposed by the community, and inclusion of projects in the LWRP will enhance the likelihood of successful grant applications for a variety of State funding sources. However, the projects must be located within the WRA. If in drafting the proposed projects it is apparent that important uses and projects are outside the WRA, consider revisiting the boundary and expanding it to include these areas. It is important to provide a thorough description of higher priority/more immediate proposed projects, using the suggested project profile template in Appendix 8.

Section 4 of the LWRP should include the following information:

Proposed Land Uses

The community should base the proposed land uses for the WRA on a realistic assessment of future land use needs. The LWRP preparers should give particular attention to the existing and future needs of water-dependent uses, water-related recreational uses and port-related uses.

Proposed Water Uses

General considerations - In determining proposed water uses for the waterfront revitalization area, consideration should be given to the use of underwater lands and to the management of activities which occur in the water, particularly when these are under the jurisdiction of the municipality. Even when the municipality's jurisdiction stops at the shoreline, the nature and extent of water activities that may be generated by proposed land uses needs to be factored into the determination of appropriate uses.

Harbor Management Plan

A Harbor Management Plan (HMP) must be developed and included as part of an LWRP in the coastal area. HMPs address the problems of conflict, congestion, and competition for space in the use of harbors, surface waters, and underwater lands within a city, town, or village, or bounding a city,

town, or village to a distance of 1,500 feet from the shore. This section provides the legislative background and general guidance on developing an HMP. For more detailed information see Appendix 3, Guidelines for Preparation of Harbor Management Plans, also available at: <https://www.dos.ny.gov/opd/programs/pdfs/hmpguide.pdf>

Legislation enacted in 1992¹⁷ provides local governments with the clear authority to comprehensively manage activities in harbor and nearshore areas including recreational boating, fishing and commerce, the navigation channel and its maintenance, winter uses such as snowmobiling, skiing, fishing, skating, use conflicts, wake control, and other general considerations. To accomplish this municipalities may develop comprehensive HMPs and laws to implement those plans. New York State regulations (19 NYCRR Parts 600, 603 and § 601.1) contain the required contents of harbor management plans. Municipalities must submit harbor management plans and the necessary implementing laws to the Secretary of State for approval as part of, or as an amendment to, a municipality's LWRP.

An HMP may consist of a single document prepared as an appendix or supplement to the LWRP, or it may be integrated into an LWRP. If integrated into the LWRP, the Proposed Water Uses part of LWRP Section 4 should describe in text, mapping, and photographs the issues and opportunities that the water presents, and how the municipality intends to approach these. The integrated HMP does not need to be labeled as an HMP, but it should consist of the waterside components of the following LWRP sections:

- Waterfront revitalization area boundary (Section 1)
- Inventory and analysis (Section 2)
- Policies (Section 3)
- Proposed land and water uses (Section 4)
- Techniques for implementation (Section 5)
- Other federal and State actions necessary to advance the LWRP (Section 6.B)

When the required elements of the HMP are integrated into the LWRP, the locations in the LWRP document should be shown in a chart so that it is clear that the elements have been addressed to a level commensurate with the community's needs.

If the HMP is prepared as a separate part or appendix in the LWRP, then the policy section of the LWRP must include policy standards referencing the HMP and the standards included in the HMP's implementing legislation, such as a local docks and moorings law.

An important benefit of a HMP approved by the Secretary of State as a component of an LWRP is that the municipality is delegated authority to regulate in-water activities, including the authority to regulate structures, uses of surface waters and underwater lands (other than vessel uses which are governed by NYS Navigation Law). A municipality may then directly regulate the construction, size, and location of structures in, on, or above waters and the use of surface waters and underwater lands within the municipality or bounding the municipality to a distance of 1,500 feet from the shore. Fees may be imposed on users for reasonable expenses incurred by the municipality in carrying out this regulatory authority.

¹⁷ Chapter 791 of the Laws of 1992, amending Article 42 of the Executive Law

Other HMP benefits include:

- Developing a strategy to achieve goals for harbor areas;
- Encouraging State and federal adherence to harbor management plans;
- Identifying beneficial uses of dredged material;
- Enhanced boater safety;
- Supporting water-dependent uses such as working waterfront businesses that rely on adjacent harbor waters;
- Technical assistance from DOS in addressing harbor management issues;
- Financial assistance for construction and land acquisition projects;
- Research, design and other preconstruction activities that implement the harbor management plan; and
- Addressing harbor and nearshore issues that transcend local boundaries.



Village of Greenport, Long Island

Proposed Projects and Other Actions

The LWRP provides a framework for presenting both short- and long-term proposed projects within the WRA and outlining how they can be implemented. The LWRP should include greater detail for projects that appear the most feasible and likely to be implemented in the near future. For these projects, the suggested project profile format in Appendix 8 can be completed and included in Section 4 of the LWRP (more detail is provided below in this section). The completed project profiles will serve as a concise project information source, positioning communities to seek resources for implementation.

Potential projects or other implementation actions should be organized under broad topic areas., For example, projects may be organized according to the topic areas suggested in Table 2, making a clear connection between the projects and the coastal policies. Other topic areas that may be useful for organizing projects include waterfront or waterfront-related economic development projects, infrastructure improvements, public access improvements, brownfield redevelopment, designing and



Tonawanda,
Niagara County

installing natural and nature-based features, designing and constructing innovative projects that reduce risk to vulnerable community assets and infrastructure, mitigating future physical climate risks such as projected sea level rise, open space or parkland acquisition priorities, and habitat restoration or enhancement.

The Proposed Projects section should include a summary of major initiatives and table of all proposed projects. The projects table should provide the project name, approximate cost (if unknown at the time of LWRP preparation indicate “Undetermined”), and approximate implementation timeframe (for example, Short Term 1-3 years, Medium Term 3–5 years, Long Term 5-10 years). This section should also provide a map of project locations (See Appendix 4 for guidance on preparing LWRP maps).

Selected projects may be identified by the community as first priorities to implement the policies and purposes of the LWRP. If details are available at the time that the LWRP is being prepared, these projects should be presented in Section 4 in a 1-to-2-page project profile including the following information (see Appendix 8 for a project profile template):

- Project title;
- Summary description of the project (5-7 sentences);
- Location - include the street address of the project/initiative or area of coverage and a locator map;
- Policy - list the LWRP Coastal Policies that the project/initiative addresses;
- For capital projects, provide a conceptual design or other graphic that illustrates the project or site;
- Estimated costs for implementing the project. If known, break down costs by categories (such as engineering and permitting, site preparation, facility construction, additional site furnishings). If available, include the anticipated costs to sustain the project or initiative.
- Potential funding sources, e.g. CFA funds, federal funds, private funds.;

- The benefit or co-benefits to be derived from the project;
- Timeframe for implementation and project readiness - include a general timeframe, for example Short Term (1-3 years), Medium Term (3–5 years), or Long Term (5-10 years).;
- Regulatory requirements - identify reviews, approvals, and/or permits related to the project/initiative (local, State, federal), as applicable; and
- The entity with jurisdiction over the project, such as the Village of X, Town of Y or City of Z.

In addition to construction activities, implementation projects may consist of studies, programs, and other actions. These activities may include:

- Recommended Studies – Studies to advance knowledge and analysis in the waterfront area can be proposed as potential projects. Examples include feasibility studies, market assessment, marketability studies, reuse analysis, engineering reports, land use studies, redevelopment studies, and water quality and/or habitat assessment.
- Proposed Public Education Programs – Providing public education and outreach programs for specific groups, such as property owners, business owners, or farmers, can be included as a proposed project.
- Proposed Land Acquisition – While land acquisition for construction projects can only be used as local match for grants from the EPF LWRP¹⁸, other state agencies, e.g., Office of Parks, Recreation and Historic Preservation, and private funding sources do provide grant funds for land purchases. For more information about land acquisition for waterfront revitalization see, “Making the Most of Your Waterfront: A Guide to Waterfront Revitalization,” pg. 77, at:
http://www.dos.ny.gov/opd/programs/pdfs/Guidebooks/lwrp/LWRP_guidebook.pdf

Section 5. Techniques for Local Implementation of the Program

The information included in Section 5 of the LWRP will provide the municipality with a clear and complete description of the strategy it will follow for implementation. This section outlines how the coastal policies explained in Section 3 and the proposed land and water uses and proposed projects identified in Section 4 will be implemented. Implementation techniques include existing and proposed zoning and other local laws to support the proposed land uses, partnerships with and local actions by other public and private agencies, a local management structure and procedures agencies will follow, and financial resources. In preparing its LWRP, the municipality needs to consider costs of implementing the program and whether the funds needed are, or can reasonably be expected, to be available.

Section 5 of the LWRP should include the following subsections:

1. Local laws and regulations necessary to implement the LWRP

Local laws and regulations are the basic means for enforcing the provisions of the LWRP. When used creatively and directed toward clear objectives, local laws and regulations can be powerful tools for accomplishing many of the purposes of the LWRP.

This section should start with a description of existing local laws and regulations, referring to those listed in Section 2, Inventory and Analysis. However, the description in Section 5 should be

¹⁸ EPF LWRP = Title 11 of the Environmental Protection Fund Local Waterfront Revitalization Program

more in-depth than the summary of local laws in Section 2. The Section 5 narrative should relate the local laws and regulations to the policies in Section 3. For example, information about the zoning law should describe each zoning district and how the uses in the district support the policies in Section 3.

Section 5 should then describe the new, proposed local laws and amendments to local laws and regulations that are necessary to implement the LWRP. The drafts of these proposed laws and amendments should be included in an appendix to the LWRP. The following local laws and amendments must be included:

- Local Waterfront Consistency Review Law – The municipality should adopt a Local Waterfront Consistency Review Law to implement the LWRP. This local law provides a mechanism to determine whether the actions in the WRA directly undertaken, funded, or approved by the municipality are consistent with the policies and provisions of the LWRP. See Appendix 7 for a Local Waterfront Consistency Review Law and Waterfront Assessment Form recommended by DOS.
- Amendments to the Zoning Law or Ordinance - Local zoning regulations must not conflict with the policies and purposes of the LWRP, and must be consistent with the proposed uses in the LWRP. Therefore, the municipality may find that current zoning provisions need to be amended to support the policies, proposed land and water uses, coastal resiliency objectives, and proposed projects. Zoning techniques to consider include overlay zoning, site plan review requirements, limited-build zones, and risk area zoning requirements.
- Local Law(s) Implementing Harbor Management Plans– The Harbor Management Plan must be implemented by local laws or ordinances. These implementing laws may, if applicable, regulate vessels, structures, and uses within the harbor management area. The local laws should be those regulations that are necessary to carry out the HMP, and may provide for the imposition of fees for reasonable expenses incurred by the municipality. The community may already have a local law or ordinance in their code that could be used for this purpose, if so include a description of the current local law in the previous sub-section, existing local laws.

2. *Recommended local laws and regulations*

There may be proposed new regulations or amendments to local laws that are not necessary to implement the LWRP, but have been identified by local agencies as potential improvements to the local land use code that will benefit the WRA and the community. These can be described in a separate sub-section and included as proposed planning projects in Section 4.

3. *Other public and private actions necessary to implement the LWRP*

In addition to local laws and regulations, there will be other local government actions necessary to implement the LWRP. These include existing or new local public authorities or such as a local development corporation, development of programs such as rehabilitation assistance and support, and new districts such as a town harbor improvement district to provide a funding mechanism for harbor revitalization.¹⁹ County, State, or federal agencies may also have land uses and proposed projects within or adjacent to the WRA that should be described in the LWRP.

¹⁹ Section 190 of the Town Law allows for formation of Harbor Improvement Districts.

Private actions may also be necessary to implement the LWRP. For example, private financing may be needed for waterfront projects, or partnerships with local non-profits may be necessary to further the natural resource and recreation objectives of the LWRP. These actions should be described in Section 5.

4. ***Local Management Structure Necessary for reviewing projects for consistency with the LWRP***
Implementing the LWRP will be a continuing responsibility of the municipality. Therefore, the municipality must provide for the future management and administration of the LWRP, as appropriate to its size and the complexity of its program. To accomplish these objectives, the municipality should identify in Section 5 the lead agency and a local official or administrator that will be responsible for the overall management and coordination of the LWRP and assign specific responsibilities for implementation and management of the program to appropriate local agencies. The municipality should also outline the procedures for local consistency review of proposed actions in the WRA, referring to the proposed Local Waterfront Consistency Review Law and Waterfront Assessment Form. Local procedures for review under the State Environmental Quality Review Act (SEQR) should also be summarized.

Local, State and federal actions taken within the boundaries of the LWRP must be consistent with the coastal policies of an approved Local Waterfront Revitalization Program. To provide coordination between state agencies and local governments, DOS has developed, “Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect,” designed as a template where the community can insert the name of the municipality and specific local review procedures. See Appendix 9 for the Guidelines, which should be referred to in Section 5 and once revised, included as an appendix in the LWRP.

Similarly, DOS has developed, “Procedural Guidelines for Coordinating NYS Department of State and LWRP Consistency Review of Federal Agency Actions.” These guidelines outline a procedure whereby NYSDOS and the local program manager can coordinate review of federal agency actions within the WRA to determine whether the actions are consistent with the stated policies and purposes of the LWRP.²⁰ These guidelines are also included in Appendix 9, and should be revised with the municipality’s name and specific procedures.

5. ***Financial Resources Necessary to Implement the LWRP***
In preparing the LWRP, the municipality needs to consider the costs of implementing the program and whether the funds needed are or can be reasonably expected to be available. This should include funds needed for proposed projects, routine administration of the program, and other necessary implementation actions. Public and private funding sources along with municipal revenues needed for implementation should be briefly described in Section 5.
6. ***Summary Chart of Legislation and other Actions Implementing the LWRP Policies***
In order to clearly show how the LWRP policies, proposed uses, and proposed projects will be implemented, the LWRP should include a summary chart with the coastal policies listed on the left (they may be grouped by major subject area), and corresponding implementing legislation, plans, and programs on the right. For a sample chart see Appendix 10, extracted from the Town of East Hampton LWRP.

²⁰ See Appendix 2 for the requirements for procedural guidelines in Article 42, §915(5)(h).

Section 6. State and Federal Actions and Programs Likely to Affect Implementation

The Waterways Act requires that an LWRP identify those elements of the program that can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Section 5 outlined the local government implementation measures. Section 6 must include a list of State actions which should be undertaken in a manner consistent with the LWRP, and a list of federal activities affecting land and water uses and natural resources in the Coastal Area. These are fairly extensive lists that have been approved by OCM for inclusion in LWRPs, therefore to assist local governments DOS maintains this list and will provide the most updated version to the municipality during the LWRP preparation process.

Section 7. Local Commitment and Consultation with other Affected Federal, State, Regional and Local Agencies

Developing broad local support for the LWRP is the most critical factor determining the success of the program. Citizens, businesses, local organizations, and other stakeholders need to participate from the beginning of the planning process, so that when the program is ready for implementation the community as a whole is ready to take action. This section of the LWRP describes the efforts undertaken by the community throughout the preparation of the LWRP to involve various stakeholders using techniques such as waterfront committee meetings, focus groups, design charrettes, public information meetings, public workshops, public hearings, and/or meetings with any other federal, State, regional and/or municipal agencies. The following information should be included in this section, as applicable:

- Citizen participation and coordination - Section 7 should describe the membership and activities conducted by the Waterfront Advisory Committee (WAC) during the planning process. In Section 7 list by name the members of the WAC and their affiliation. Also, summarize the WAC meetings held during the planning process and describe whether there will be a role for the WAC after the LWRP is completed. (see the beginning of Chapter III, "Getting Started," of this guide for a description of the WAC).
- Public surveys - Public surveys are a good way to gather the needs and desires of community members, including those that may not be able to attend committee or public meetings. The survey can be distributed at public events, local organization meetings, or using tools available on the internet. Section 7 should describe the content of surveys used, the method of delivery, and summarize the survey results.
- Public workshops and meetings - Focus groups, design charrettes, public workshops and public meetings are important for involving people directly in the planning process and hearing their concerns. Section 7 should describe the content and attendees of the meetings and summarize the comments received.
- Local government involvement – It is important to obtain the support of the local elected officials, since they will ultimately be responsible for approving the LWRP, adopting local laws to implement the LWRP, and allocating resources for implementation projects. Municipal agencies will also be involved in implementing the LWRP. While local officials and local board members may be members of the WAC, it is also important to provide presentations and circulate

documents to the local boards. Section 7 LWRP should list all of the local agencies involved in the planning and potential implementation of the LWRP, such as the Town, City, or Village Board; Planning Board; Comprehensive Plan Committee; Conservation Advisory Council; and Watershed Planning Committee or Council.

- Local business involvement – Representatives from the business community should be involved in the planning process, particularly those whose livelihood depends on the community’s waterfront. Direct outreach to ‘working waterfront’ businesses such as shipyards, tour boat operators, marina owners, commercial fishermen, recreational fishing guides, boat suppliers and outfitters, chambers of commerce, merchants’ organizations, and improvement districts is strongly encouraged to understand the needs of their businesses and how they might be affected by the LWRP. Section 7 should describe how local businesses were involved in the planning process, for example as representatives on the advisory committee, attendees of special focus groups or meetings, or participants in downtown walking tours.
- Other communities’ involvement – Section 7 should describe participation by neighboring communities and the shared issues that have brought them into the process. For example, the communities may have identified a need for watershed planning to address polluted surface and ground water, storm water runoff management, drought, sea level rise, local flooding, shoreline erosion, and related threats to public infrastructure, such as impacts to transportation and energy storage and transmission.

LWRP Appendices

Information that supports the LWRP and its implementation, but is too lengthy to provide in Sections 1 – 7, may be provided in appendices. Appendices #1 - 5 below are required for all new LWRPs, or as applicable for LWRP Amendments. Appendices #6 and 7 below are optional, but may be needed to support the policies and proposed land and water uses in the LWRP.

1. Local Waterfront Consistency Review Law and Waterfront Assessment Form (WAF) – The local waterfront consistency review law and WAF are prepared by the community in draft form and adopted along with other local laws needed to implement the LWRP. See Chapter III, Section 5 of this guide for more information about the local waterfront consistency review law. Appendix 7 of this guide includes a sample local waterfront consistency review law and WAF.
2. New or amended local laws, ordinances, and other regulations that are cited in the LWRP and necessary for implementation of the LWRP. See Chapter III, Section 5 of this guide for more information about local laws and regulations necessary to implement the LWRP that should be included in an appendix.
3. Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect – The templates for these guidelines are maintained by DOS and will be provided to the municipality during the LWRP preparation process. The guidelines should then be revised by the municipality to reflect the community’s LWRP management structure. See Chapter III, Section 5, #5 of this guide for more detail about the guidelines for notification and review.

4. Significant Coastal Fish and Wildlife Habitat (SCFWH) Rating Forms, Habitat Description Narratives and Maps – Check the DOS Geographic Information Gateway at: <http://www.dos.ny.gov/opd/atlas/index.html> to determine if there any Significant Coastal Fish and Wildlife Habitats in or adjacent to the Waterfront Revitalization Area. The SCFWH rating forms, narratives, and maps can be downloaded as PDFs from the Gateway. Digital data for the SCFWH areas can also be downloaded from the Gateway.
5. Harbor Management Plan – If the required Harbor Management Plan is prepared as a stand-alone document, it should be included as an appendix to the LWRP. See Chapter III, Section 4, and Appendix 3 of this guide for more information about Harbor Management Plans.
6. Historic documents and maps describing and illustrating the waterside of the municipal boundary. See Chapter III, Section 1 of this guide for information about the need for detail relating to the LWRP waterside boundary.
7. Excerpts from plans or other documents that are referenced or cited in the LWRP should also be included as an appendix to the LWRP. This is needed to ensure that all information is available in the document to support the LWRP policies, which are enforceable statements of action that support the goals of promoting the most beneficial use of coastal resources, preventing their impairment, or addressing major activities that substantially affect numerous resources.



French Creek Marsh Significant Coastal Fish and Wildlife Habitat
Clayton, Jefferson County

IV. LWRP Review and Approval Process

Communities and their consultants should work closely with DOS throughout the development of the LWRP to obtain technical assistance and advice on preparation of the LWRP sections, maps and local laws described in this Guidance Manual. The development of an LWRP is a multi-year undertaking, which may be prolonged depending on the complexity or extent of the geography or issues addressed.

Once the community has an LWRP ready for review, it must undergo a three-level LWRP review and approval process: 1. Review under the State Environmental Quality Review Act (SEQR); 2. NYS Executive Law, Article 42 review, governed by DOS implementing regulations; and 3. Federal Routine Program Implementation (RPI)²¹ review, governed by NOAA Office of Coastal Management regulations. Within these three review processes, the following formal submission steps are required for review and approval of an LWRP or LWRP Amendment.²² The actual process may include additional back and forth exchanges of the draft LWRP between the steps, depending on the needs of the municipality and the complexity of the program:

1. **Submission of Preliminary Draft LWRP:** Once a Preliminary Draft LWRP or LWRP Amendment has been prepared, the community or its consultant should send the document along with maps, proposed local laws, and appendices to DOS for initial review and comment. The LWRP document should be in Microsoft Word digital format, graphics should be in digital photo format, and maps in PDF format. (Note: for the Complete Draft LWRP, digital map data in a GIS format acceptable for use by DOS will need to be submitted.)
2. **DOS Review of Preliminary Draft LWRP:** DOS will review and comment on the Preliminary Draft LWRP and circulate the LWRP document to DOS's Counsel's Office and to the Coastal Consistency Review Unit for review. DOS comments will be included in a redline/marked-up copy of the Preliminary Draft LWRP which will then be returned to the community and its consultant.
3. **SEQR Review:** The municipality's adoption of an LWRP and any major land use and development laws implementing the LWRP is a 'Type I' action subject to SEQR. Therefore, the community should provide the resolutions and related documentation to DOS, demonstrating that the SEQR process has been completed.
4. **Submission of Complete Draft LWRP for 60-day Review:** When the community (and its consultant where relevant) have addressed all DOS comments and the Draft LWRP has been revised accordingly, the community or its consultant should send a "Complete Draft LWRP" or LWRP Amendment to DOS, still in Microsoft Word format, with graphics in digital photo format. A redline/strikeout version in Microsoft Word should also be submitted showing the sequence of comments and changes in the draft. Maps should be provided in PDF format along with digital map data in a GIS format acceptable for use by DOS. **The community must include a resolution from**

²¹ RPI is a notification process by which a State with an approved Coastal Management Program notifies OCM and potentially affected federal agencies that it considers an action to be a routine program change, implementing provisions approved as part of the State's coastal program.

²² For an LWRP Amendment the community or their consultant should prepare the document in a tracked changes version first, showing the original LWRP along with the amendments proposed in redline/strikeout.

the municipal board stating they are “accepting the LWRP as complete” and that they are submitting the LWRP along with maps and proposed local laws to DOS for 60-day review. **NOTE: The community should NOT formally adopt the LWRP at this stage, that should come after the 60-day review, since there may be comments submitted during the 60-day review process that will need to be addressed. The resolution required with submission of the Complete Draft is for “accepting the LWRP as complete,” not adopting it.**

5. **Legal Review:** DOS will conduct a final review, circulating the document to the LWRP Coordinator and to DOS Legal Counsel for final review and sign-off for 60-day review.
6. **60-day Review:** As required in NYS Executive Law Article 42, prior to acting on an LWRP received from an eligible coastal municipality, the Secretary of State must circulate it to State, federal and local agencies – allowing 60 days for comments (21 days in the case of a ‘minor amendment’). DOS will determine the start and end dates of the 60-day period, conduct the 60-day review, including formatting the document, circulating letters to interested agencies, posting the LWRP on the DOS website, and publishing a notice in the Environmental Notice Bulletin. DOS will collect all comments submitted and prepare a response including redline/strikeout changes in the LWRP. DOS will then send a letter to the community explaining the changes that need to be made in the LWRP to reflect the comments submitted during 60-day review.
7. **Preparation of Final LWRP:** DOS will work with the community and their consultant to prepare a clean version of the Final LWRP, reflecting the 60-day review comments and including all appropriate maps, local laws, and appendices.
8. **Municipality Adoption and Submission to the Secretary of State:** The municipality should adopt the Final LWRP and supporting local laws (if they have not already been adopted) by resolution(s), then submit a copy of the certified adoption resolution(s) and a formal letter to DOS along with the Final LWRP, requesting submission to the NYS Secretary of State for approval.
9. **NYS Secretary of State Approval:** DOS will prepare Article 42 Findings (and SEQR Findings, if applicable) and submit the Findings along with the Final LWRP to DOS Legal Counsel. DOS Legal Counsel will review the LWRP to ensure that 60-day comments have been adequately addressed, then recommend its approval by the Secretary of State. DOS will then forward the LWRP, the 60-day review comments and responses, and Findings to the Secretary of State for approval. Following State approval, DOS will notify the community, county, State Legislators, State agencies with programs identified as having a potential effect on the LWRP, adjacent communities having a contiguous waterway area, and locally interested organizations.
10. **Federal Review:** The final step for approval in coastal communities is submission of the LWRP to the National Oceanic and Atmospheric Administration, Office of Coastal Management (OCM). DOS will submit the Final LWRP in redline version (showing 60-day review comments and edits made) to OCM, requesting a Routine Program Change (for most LWRPs). Federal agencies are given an opportunity to comment on whether they think the action is a RPI, after which OCM sends a letter to DOS either concurring with the State or denying the RPI. OCM “concurrence” that an LWRP constitutes a RPI appends the community’s LWRP to the CMP.

Conclusion

A Local Waterfront Revitalization Program provides a comprehensive framework within which a community's vision for its waterfront can be formalized. Using this guide and working in partnership with DOS, a community can reach consensus on the future of its waterfront, establish local policies for waterfront revitalization, and identify implementation techniques to achieve its vision. Once completed, a Local Waterfront Revitalization Program will provide the organizational structure, local laws, projects, and on-going work that will implement the plan, and will allow for more knowledge of local considerations in state and federal agency actions and permitting that are subject to coastal consistency review.

DOS looks forward to working with current and future LWRP municipalities and forming new partnerships to help communities plan the future of their waterfront and implement projects and programs to support their local vision and needs.

Appendix 1: Checklist for LWRP Completeness

- Goals and Objectives: Includes a statement of goals and objectives to be achieved within the WRA
- Section 1. Boundary:
 - The Waterfront Revitalization Area (WRA) Boundary is described. If a revision is proposed to the NYS Coastal Area Boundary, justification for the change is provided in the Draft LWRP.
 - Boundary Map is included and shows all required info (see Appendix 4, LWRP Maps Guidance).
- Section 2. Inventory and Analysis:
 - The Inventory and Analysis is completed for the entire WRA, and specifically identifies and addresses the applicable topics in Table 1 (attached)
 - Map(s) are included in the Inventory and Analysis as needed to adequately show the location of important natural and manmade features of the WRA (see Appendix 4, LWRP Maps Guidance)
 - The Analysis identifies specific problems and opportunities relating to the use and protection of waterfront resources, and examines the factors shaping those problems and opportunities
 - The Inventory and Analysis includes all information necessary to determine whether a particular State coastal policy applies to the WRA and to develop an appropriate treatment of an applicable policy. For detailed guidance on developing appropriate policies see Appendix B of the CMP at: https://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf
 - Existing land and water uses are clearly described in the Inventory and Analysis.
 - Map is included to show proposed land uses (see Appendix 4, LWRP Maps Guidance)
 - The Inventory and Analysis includes all information needed to develop specific and realistic proposed uses and projects for the WRA.
- Section 3. Coastal Policies: 44 or 13 (Long Island Sound communities) coastal policies are included, with policy statements and explanations of the policy statements.
 - State coastal policy statements (**bold text**) are verbatim (may not be altered).
 - For policies that are not applicable to WRA conditions in the Draft LWRP: an explanation is provided of why the policy is not applicable.
 - A definitions section provides definitions of important or special terms used in policy statements.
 - Each policy explanation includes:
 1. A statement of the public purposes served
 2. Identification/location of areas or resources to which the policy applies
 3. Specific guidelines, standards or criteria for determining consistency of proposed actions with the policy
- Section 4. Proposed Land and Water Uses and Proposed Projects, including Harbor Management Plan
 - Proposed long-term land and water uses for the WRA are clearly described.
 - Map is included to show proposed land uses (see Appendix 4, LWRP Maps Guidance)
- Section 4 or Appendix: A comprehensive Harbor Management Plan (HMP) is included, consisting of either a single document prepared as an appendix to the LWRP, or integrated into the LWRP.
 - Necessary HMP implementing laws are included
 - HMP Map(s) are included to show proposed water uses, including existing waterside municipal boundaries as well as any extraterritorial area in which the State has delegated regulatory authority to the municipality. If the municipality's corporate limits end at the shoreline or are less than 1500 feet from the shore, the map indicates the offshore 1500 feet extraterritorial limit (see Appendix 3, HMP Guidance and Appendix 4, LWRP Maps Guidance)
- Section 4. Proposed projects necessary to implement the LWRP are identified.
 - A Project Profile is included for each priority or immediate project/initiative
 - A chart is provided summarizing all proposed projects, including priority or immediate projects, plans and studies, and long-term projects
 - Map is included to show the locations of proposed projects (see appendix 4, LWRP Maps Guidance)

- Section 5. Techniques for Local Implementation of the Program.**
 - Techniques for local implementation of the LWRP are clearly described. Implementation measures are established for each policy, proposed land and water use, and proposed project.
 - Existing local laws and regulations are identified.
 - Proposed implementing laws and regulations have been drafted and are included in an appendix.
 - If zoning is to be used in implementing the LWRP, a map is included of the existing and/or proposed zoning districts.
 - Include a summary chart relating the coastal policies to local legislation, plans and programs.
 - Other public and private sector actions necessary to fully implement and advance projects in the WRA are identified.
 - Future management and administration of the LWRP by the municipality is clearly defined.
 - Include in Section 5 (or an appendix) as provided by DOS in Appendix 9 of this guide, “Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect,” and “Procedural Guidelines for Coordinating NYS Department of State and LWRP Consistency Review of Federal Agency Actions”.
 - Financial resources necessary to implement and administer the LWRP have been determined (identify local funds for proposed projects in project profiles for priority projects/initiatives).
- Section 6. State and Federal Actions and Programs:** A comprehensive list of State and federal agency actions and programs that should be undertaken in a manner consistent with the LWRP is included, and all State and federal actions essential to achieving specific LWRP objectives are described. Contact DOS for the most current list to insert in the LWRP.
- Section 7. Local Commitment and Consultation:** All consultation activities with adjacent municipalities and county, regional, State and federal agencies which occurred during preparation of the Draft LWRP are summarized, including any issues which surfaced and how these issues were or might be resolved.
 - The Draft LWRP includes a description of activities undertaken during preparation of the Draft LWRP, as well as those to be undertaken prior to approval of the Final LWRP
 - Includes a resolution of the local legislature, authorizing:
 1. Acceptance of the Draft LWRP and local laws as complete, and submission of the Draft LWRP to the Secretary of State for 60-day review
 2. Identification of municipal staff (insert title in resolution) authorized to work with the Department of State to revise the Draft LWRP as necessary to address non-substantial comments received during the review period
- Appendices are included that support the LWRP, as applicable, such as: __ Local Consistency Review Law and Coastal Assessment Form; __ other new or amended local laws, ordinances, and regulations; __ State and Federal Guidelines for Consistency Review; __ Significant Coastal Fish and Wildlife Habitats narratives and maps; __ excerpts from plans that are relied on/cited in the LWRP; __ HMP (if not incorporated in the LWRP); __ NYS Canal Corporation’s standards for waterfront structures.
- SEQR requirements are satisfied. (The municipality’s adoption of the LWRP and any major land use and development laws implementing the LWRP = SEQR Type I Action.)
- After 60-day review: The Final LWRP incorporates changes needed as a result of comments received during the Draft LWRP 60-day review period.
- After 60-day review: Upon completion of DOS legal review, the Final LWRP includes, as evidence of local commitment, a resolution of the local legislature adopting the LWRP and requesting approval by the Secretary of State.

Table 1. Example approach to organizing the content of the Inventory and Analysis

- Community Background
 - _Community profile – location, population, employment
 - _Overview of waterfront area
 - _Historical development of waterfront area
 - _Summary of existing Plans, Projects and Initiatives that effect the waterfront area such as the municipal comprehensive plan, All-Hazard Mitigation Plans, watershed management plans, downtown revitalization plans, community resiliency plans
 - Identification and assessment of existing land use and development including economic strengths, weaknesses, and opportunities for ongoing waterfront revitalization
 - _Existing land and water uses*
 - _Ownership patterns, (public & private) including underwater lands*
 - _Zoning* – list and definitions of the current zoning districts, describing out how they support the existing land uses. NOTE: A more detailed discussion of the Zoning should be in Section V.
 - _Public services and facilities* – water & sewer, vessel waste facilities, transportation, navigation channels/basins, bulkheads, docks and docking facilities
 - _Abandoned, deteriorated or underutilized areas, sites and buildings
 - _Hazards to navigation, such as abandoned barges and deteriorated pilings*
 - _Limitations to development
 - _Water-dependent uses*; water-enhanced uses and related issues
 - _Port or small harbor development
 - _Housing, economic, health and social services assets, and locations of socially vulnerable populations (detailed information needed for the resiliency Risk Assessment Tool)
 - Natural Resources
 - _NYS Significant Coastal Fish and Wildlife Habitats*
 - _Fish and wildlife habitat (other important areas not designated by New York State)
 - _Wetlands*
 - _Water resources and water quality
 - _Water quality classifications and use standards*
 - _Natural protective features
 - Commercial Fishing and Aquaculture
 - Flooding and Erosion
 - _Coastal hazards
 - _Storm surge and sea level rise risk
 - Public Access and Recreation – parks, trails, boat launches, fishing access, beaches
 - Historic and Archeological Resources
 - _Historic underwater sites or structures (shipwrecks, dry docks, archeological underwater sites)*
 - _Scenic Resources and Visual Quality – Scenic Areas of Statewide Significance; significant viewsheds within the WRA*
 - Agriculture and Agricultural Lands
 - Energy and Ice Management
 - Major energy-generating facilities and transmission networks, underwater cables and pipelines
 - Environmental Quality*
 - _Discharge of pollutants and management of solid waste
 - _Air quality
 - Summary of Strengths, Weaknesses, Opportunities and Threats / Findings and Conclusions
- *Subjects required for the Harbor Management Plan (HMP) Inventory, additional information is also required for analysis of conditions and considerations in the HMA (See Appendix 3 for Harbor Management Plan guidance, and Appendix 2 for 19 NYCRR §603.3 which states the required contents of HMPs).

Appendix 2 – NYS Executive Law, Article 42, § 915 and 922; 19 NYCRR Parts 601 and 603

Article 42 of the Executive Law: WATERFRONT REVITALIZATION OF COASTAL AREAS AND INLAND WATERWAYS

§ 915. Optional local government waterfront revitalization programs for coastal areas and inland waterways.

1. It is the intention of this article to offer the fullest possible support by the state and its agencies to those local governments that desire to revitalize their waterfronts. Accordingly, any local government or two or more local governments acting jointly which has any portion of its jurisdiction contiguous to the state's coastal waters or inland waterways and which desires to participate may submit a waterfront revitalization program to the secretary as herein provided.
2. The secretary may provide technical and financial assistance as provided in sections nine hundred seventeen and nine hundred eighteen to any local government for the preparation of a waterfront revitalization program for the purposes of this article.
3. A local government or two or more local governments acting jointly which intends to submit a waterfront revitalization program for the purposes of this article is strongly encouraged to consult, during its preparation, with other entities that may be affected by its program, including local governments, county and regional agencies, appropriate port authorities, community based groups and state and federal agencies. On request by the local government, the secretary shall take appropriate action to facilitate such consultation.
4. The secretary shall prepare and distribute guidelines and regulations for local governments desiring to prepare, or cause to be prepared, a waterfront revitalization program (hereinafter referred to as the "program"). Such guidelines shall provide that the program will be consistent with the policies and purposes of this article generally and shall include, but not be limited to:
 - a. Boundaries of the waterfront area;
 - b. An inventory of natural and historic resources of the waterfront area to be protected;
 - c. A statement of the goals and objectives of the program;
 - d. Identification of the uses and projects, public and private, to be accommodated in the waterfront area;
 - e. Description of proposed means for long-term management and maintenance of waterfront development and activities including organizational structures and responsibilities and appropriate land use controls;
 - f. Description of necessary and appropriate state actions for successful implementation of the program; and
 - g. Specification of the adequate authority and capability of the local government to implement the program.

5. The secretary shall approve any local government waterfront revitalization program as eligible for the benefits set forth in section nine hundred sixteen of this article if he finds that such program will be consistent with coastal policies and will achieve the waterfront revitalization purposes of this article. In making such determination, the secretary shall find that the program incorporates each of the following to an extent commensurate with the particular circumstances of that local government:
 - a. The facilitation of appropriate industrial and commercial uses which require or can benefit substantially from a waterfront location, such as but not limited to waterborne transportation facilities and services, and support facilities for commercial fishing and aquaculture.
 - b. The increased use of and access to coastal waters and the waterfront for water-related activities such as boating, swimming, fishing, walking and picnicking.
 - c. The promotion and preservation of scenic, historic, cultural and natural resources as community amenities and tourist designations.
 - d. The strengthening of the economic position of the state's major ports and small harbors.
 - e. The redevelopment of deteriorated or formerly developed waterfronts through the re-use of existing infrastructure and building stock and the removal of deteriorated structures and unsightly conditions that have negative effects upon the waterfront area and adjacent neighborhoods, and appropriate new development.
 - f. The application of local aesthetic considerations in the design of new structures and the redevelopment of waterfront sites.
 - g. The protection of sensitive ecological areas, including but not limited to dunes, tidal and freshwater wetlands, fish and wildlife habitats, and the protective capability of coastal land features. Such protection will assure that land use or development will not affect such areas.
 - h. A statement identifying those elements of the program which can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs, grant, loan, subsidy or other funding assistance programs, facilities construction and planning programs which may affect the achievement of the waterfront revitalization program.
 - i. The establishment of a comprehensive harbor management plan and the means for its implementation.

*5a. Nothing herein shall preclude the secretary from approving a portion or component of a local waterfront revitalization program provided such portion or component constitutes a discrete and cohesive, yet comprehensive, treatment of the subject or subjects addressed, which may be related to environmental, social, regional growth management or economic considerations.

*NB Effective upon approval by the secretary of commerce

6. Before approving any such waterfront revitalization program, or any amendments thereto, as eligible for the benefits of this article, the secretary shall consult with potentially affected state and federal agencies; secretary shall not approve any such program if he finds after such consultation that there is a conflict with any state or federal policies.
7. Where there is a conflict between a submitted waterfront revitalization program and any state or federal policy, at the request of the local government or the state or federal agency affected, the secretary shall attempt to reconcile and resolve the differences between the submitted program and such policies and shall meet with the local government and involved state and federal agencies to this end.
8. Subsequent to approval of the local program by the secretary, state agency actions shall be consistent to the maximum extent practicable with the local program. Provided, however, that nothing in this article shall be construed to authorize or require the issuance of any permit, license, certification, or other approval or the approval of any grant, loan or other funding assistance which is denied by the state agency having jurisdiction, pursuant to other provisions of law or which is conditioned by such agency pursuant to other provisions of law until such conditions are met.

Where implementation of an approved local program depends upon the availability of other than local funds and program actions, the secretary shall meet with the involved state and federal agencies to explore the possibility of programming of such assistance, including pre-permitting of sites for waterfront redevelopment, in a manner that would provide the maximum practicable assistance toward the implementation of the local program.

9. Before undertaking any action pursuant to any programs identified pursuant to paragraph (h) of subdivision five of section nine hundred fifteen of this article the affected state agency shall submit, through appropriate existing clearing house procedures including but not limited to the state environmental quality review law, information on the proposed action to local government. The local government shall identify potential conflicts and so notify the secretary. Upon notification of the conflict, the secretary will confer with the affected state agency and the local government to modify the proposed action to be consistent with the local plan.
10. Any local government which has had a waterfront revitalization program approved pursuant to this section may withdraw its program at any time by filing with the secretary a copy of a resolution of its legislative body providing for such withdrawal. Upon receipt of such resolution, the secretary shall immediately notify all affected state agencies.

§ 922. Comprehensive harbor management plans.

1. In order to implement a comprehensive harbor management plan the local legislative body of a city, town or village may adopt, amend and enforce local laws or ordinances, not inconsistent with the laws of this state or the United States, to regulate the construction, size and location of wharves, docks, moorings, piers, jetties, platforms,

breakwaters or other structures, temporary or permanent, in, on or above waters and the use of surface waters and underwater lands within a city, town or village or bounding a city, town or village to a distance of fifteen hundred feet from the shore. Such local laws or ordinances may provide for the imposition of fees for reasonable expenses incurred by the city, town or village in carrying out this regulatory authority.

2. No local law or ordinance adopted pursuant to the powers granted by this section shall take effect until it shall have been submitted to and approved in writing by the secretary of state, nor shall such local law or ordinance affect projects and facilities undertaken or constructed by public authorities for which a statutory exemption has been provided or public authorities formed by compact with another state or any subsidiary thereof formed pursuant to bi-state legislation. The secretary of state shall not approve any local law or ordinance without first consulting with the commissioner of general services and the interested state agencies administering state-owned lands underwater, nor shall the secretary approve any local law or ordinance not in accordance with any comprehensive harbor management plan adopted as part of a local waterfront revitalization program by the local legislative body of the city, town or village and approved by the secretary pursuant to this article.
3.
 - a. Municipalities on lakes, other than those lakes identified in subdivision four of section nine hundred eleven of this article, may, pursuant to this section, develop cooperative lakewide local waterfront revitalization programs and harbor management plans.
 - b. Where no local waterfront revitalization program and harbor management plan exists which has been cooperatively prepared by all of the municipalities which border the shores of such a lake, no local law or ordinance adopted by one such municipality pursuant to a harbor management plan shall be approved without a finding by the secretary of state that the local law or ordinance is consistent as well with the management of the lake by, and interests of, the lake residents and its municipalities as a whole.
 - c. Where an organization or entity has been created by statute to provide lakewide planning or regulation, such local laws or ordinances shall be consistent with the plans developed by such organization or entity pursuant to the procedures required in such statute.
4. No provision of this chapter shall be deemed to diminish the authority of any city, town or village pertaining to the regulation of harbors, surface waters and underwater lands granted by any other law, charter, patent or other instrument. Nor shall it be read to authorize local harbor management plans displacing conforming water-dependent businesses in existence on the effective date of this section.
5. Any conveyances of interests pursuant to subdivision seven of section seventy-five of the public lands law and any permits issued pursuant to subdivision one of section 15-0503 of the environmental conservation law shall be consistent, insofar as possible, with approved comprehensive harbor management plans adopted pursuant to this section.

NYCRR TITLE 19. DEPARTMENT OF STATE, CHAPTER XIII. WATERFRONT REVITALIZATION OF COASTAL AREAS AND INLAND WATERWAYS

PART 601. LOCAL WATERFRONT REVITALIZATION PROGRAMS

(Statutory authority: Executive Law, §§ 911, 912, 913, 914, 915, 915-b, 916, 917, 918, 922)

601.1 Authority, intent and purpose.

This Part is adopted pursuant to sections 911, 912, 913, 914, 915, 915-b, 916, 917, 918 and 922 of the Executive Law to implement the optional Local Waterfront Revitalization Program (LWRP) provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. It includes:

- (a) procedural requirements for voluntary participation by local governments;
- (b) criteria for review of local programs by the secretary;
- (c) procedural requirements for review and comment on each LWRP submitted.

601.2 Submission of Local Waterfront Revitalization Programs.

- (a) Every submission of an LWRP to the secretary, in order to be deemed a completed submission eligible for approval, must be accompanied by a resolution of the legislative body providing for such submission. In those instances where two or more local governments are cooperatively submitting an LWRP, resolutions from each of the participating local governments shall be necessary before a submission is deemed complete and eligible for review by the Secretary.
- (b) Each LWRP shall include, for purposes of a completed submission eligible for review by the secretary, all of the elements contained in sections 911(6), 915(5) and 922 of the Executive Law.

601.3 Criteria.

In order to approve a submitted LWRP as eligible for the benefits of sections 916 and 922 of article 42 of the Executive Law, the Secretary must find:

- (a) that the LWRP incorporates the criteria listed in sections 911(6), 915(5) or 915(5-a), and 922 of article 42 of the Executive Law to an extent commensurate with the circumstances of the local government or local governments seeking approval;
- (b) that the LWRP is consistent with the policies of article 42 of the Executive Law as contained in section 600.5 or 600.6 of this Chapter; and
- (c) after consultation with potentially affected State and Federal agencies, that the LWRP will not conflict with any applicable State or Federal policy.

601.4 Procedure for review.

- (a) Upon receipt of a completed LWRP the secretary shall circulate the program to such parties as the secretary shall deem appropriate, which parties shall include:
 - (1) every State agency (as defined in article 42 of the Executive Law) with programs identified in the submitted LWRP as having the potential to affect the achievement of that LWRP;
 - (2) any adjacent local government with contiguous coastal or inland waterway area;
 - (3) the county wherein the LWRP area is situated; and
 - (4) the regional planning board, if any, wherein the LWRP area is situated.

- (b) All parties shall have 60 days for review and comment before the Secretary can render a decision as to the approvability of such LWRP.
- (c) (1) Major amendments to any approved LWRP, such as a substantial alteration in the coastal area boundary, or of applicable coastal policies, shall be reviewed in the same manner as any original LWRP.
(2) Minor amendments to any approved LWRP, such as updates which reflect changing characteristics of the community, incorporation into the LWRP of policies contained in the State Coastal Management Program, or adoption of local laws or ordinances which further implement the LWRP, shall be subject to a 21-day period for review and comment by all parties before the secretary may render a decision on approvability of the amendment.
- (d) Notice of disapproval by the secretary shall be issued in writing and shall include findings with respect to the criteria which the LWRP fails to meet. Disapproval of a LWRP shall be without prejudice and any local government may resubmit a LWRP without regard to prior disapprovals.
- (e) The secretary may, as a condition to approval of a LWRP, require that notice of certain identified actions of that local government or its agencies be given to the Secretary prior to such actions being taken.

601.5 Submission, approval and effect of local laws or ordinances.

- (a) Local laws or ordinances adopted to implement harbor management plans shall be submitted to the secretary with the completed LWRP.
- (b) Such local laws or ordinances shall be approved and become effective as provided in section 922 of the Executive Law and Part 603 of this Title.

601.6 Approved programs.

A LWRP approved by the secretary shall be eligible for the benefits provided in article 42 of the Executive Law.

601.7 Review of approved programs.

- (a) The secretary shall periodically review the administration and implementation of every approved LWRP to assure, among other things, that the local government itself acts consistent with the goals of its approved LWRP.
- (b) The secretary shall, after written notice to the legislative body of the participating local government, revoke approval if at any time he/she finds that the policies and goals of the approved LWRP are not being carried out in accordance with the terms of such LWRP.

601.8 Withdrawal.

A local government may withdraw its approved LWRP at any time as provided in the Executive Law. Withdrawal of an approved LWRP will effect an immediate termination of all benefits accruing under the Executive Law, including but not limited to any funding or other technical assistance and the effect of any local law or ordinance or portions thereof which required approval of and were approved by the secretary pursuant to section 922 of the Executive Law and Part 603 of this Title.

PART 603. HARBOR MANAGEMENT

(Statutory authority: Executive Law, §§ 913, 915, 915-b, 922)

603.1 Authority, intent and purpose.

(a) This Part is adopted under authority of sections 913, 915, 915-b and 922 of article 42 of the Executive Law to implement the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

(b) In chapter 791 of the Laws of 1992, the Legislature emphasized the importance of New York State's navigable waters and underwater lands, and acknowledged the need to control uses, projects and structures in or over these areas. The Legislature specifically identified the regulation of such projects and structures as necessary to meet the State's obligations, founded principally on the Public Trust Doctrine, to responsibly manage the State's proprietary interests, protect vital assets held in the name of the People of the State, and guarantee common law and sovereign rights. To this end, the Legislature declared that the reasonable exercise of riparian or littoral rights by waterfront owners shall be consistent with the public interest in reasonable use and responsible management of navigable waters and lands underwater for purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access. Along with recognizing the importance of State agency actions in fulfilling these obligations, the Legislature also recognized the significant role New York's cities, towns and villages are capable of taking in the regulation and management of activities in or over the State's navigable waters and underwater lands if granted clear authority to regulate these areas. Accordingly, the Legislature has provided for the development and approval of local comprehensive harbor management plans (HMPs) and the local laws or ordinances necessary to implement these plans. It is the intention of this Part to enable cities, towns and villages to exercise this new authority in a manner which meets local needs while accommodating the significant interest of the State, on behalf of the public, in lands underwater and navigable waters. It is the purpose of this Part to provide the procedural and substantive requirement for approval of HMPs and local laws and ordinances necessary to implement these plans.

603.2 Eligibility and authority.

Subject to review and approval by the Secretary of State:

(a) (1) A city, town or village may adopt an HMP to regulate the surface waters and underwater lands within the city, town or village, or bounding it to a distance of 1,500 feet from shore, whichever is greater.

(2) Determination of the line from which the 1,500 feet shall be measured shall be made as follows:

(i) where the shore is generally even, the 1,500 feet shall be measured from the mean low water line;

(ii) where the shore is uneven because of indentations such as coves, small bays, inlets or similar conditions, the 1,500 feet shall be measured from a straight line drawn across the indentation from the two points representing the furthest waterward extent of the mean low water line on either side of the indentation. Any water area and underwater lands landward of this line will, however, be subject to harbor management planning and regulation pursuant to this Part;

- (iii) where an offshore island is part of a municipality, the 1,500 feet shall be measured from the mean low water line surrounding the island;
- (iv) in all instances, the area between the mean low water and mean high water lines shall also be subject to HMP coverage; and
- (v) whenever necessary the Secretary shall make a determination of the bounds of an HMP area, based upon written findings which take into account the size of the waterbody; existing municipal regulation of waters and underwater lands; the avoidance of conflicts among local, State and Federal governments; and other relevant considerations.

(b) Subject to the written approval of the Secretary of State, the local legislative body of such city or town may adopt, amend and enforce local laws or ordinances, and a village may adopt, amend and enforce local laws to implement the HMP. Such local laws or ordinances may provide fees for reasonable expenses incurred in carrying out this authority. Proposed local laws and ordinances to implement the HMP shall be submitted to the Secretary of State for approval in accordance with the provisions of section 922 of the Executive Law and section 603.5 of this Part.

(c) (1) Municipalities on lakes, excepting those on lakes identified in section 911(4) of the Executive Law, may develop cooperative lakewide LWRPs and HMPs, and may adopt, amend and enforce local laws or ordinances to implement such plans.

(2) In the absence of a cooperative lakewide LWRP and HMP prepared by all of the municipalities on such lake, a municipality may still adopt and have approved an LWRP and HMP, and may adopt, amend and enforce local laws or ordinances to implement the HMP, provided the Secretary of State finds, in approving such local laws or ordinances, that it is consistent with the management of the lake by, and the interests of, the lake residents and its municipalities as a whole.

(3) Such local laws or ordinances shall also be consistent with the plans of any organization created by statute to provide lakewide planning or regulation.

(d) As provided in section 119-o of the General Municipal Law, other municipalities may adopt cooperative HMPs and may adopt, amend and enforce local laws or ordinances to cooperatively implement such plans.

603.3 Contents.

At a level of detail and to the extent commensurate with the particular circumstances of the local government(s), an HMP shall contain the following, either in a separate document prepared to augment an LWRP, or integrated into an LWRP in an identifiable manner:

- (a) identification of the HMP boundary area;
- (b) an inventory and analysis of existing uses, features and conditions in this area;
- (c) identification and discussion of issues of local importance;
- (d) identification and discussion of issues of regional importance;
- (e) discussion of opportunities, long and short-term goals and objectives;
- (f) identification of conditions which operate as constraints on utilization of underwater lands and navigable waters by the public;
- (g) discussion of water dependent uses;
- (h) identification and discussion of economic, cultural and social considerations fundamental to responsible management of underwater lands and navigable waters;
- (i) a water use plan;

- (j) specification of policies concerning present and future use and management of such areas;
- (k) identification of capital projects necessary to implement the HMP;
- (l) specification of existing and proposed techniques and authorities to implement the HMP; and
- (m) to the extent commensurate with the particular circumstance of the city, town or village, an HMP shall address the following considerations:
 - (1) conflict and competition for space among the uses and users of harbors, surface waters and underwater lands;
 - (2) regulation of the construction, size and location of wharves, docks, moorings, piers, jetties, platforms, breakwaters or other structures, whether temporary or permanent;
 - (3) regional needs for any of the various uses or users likely to be attracted to the particular qualities of the area; and
 - (4) where applicable:
 - (i) commercial shipping;
 - (ii) recreational boating;
 - (iii) commercial and recreational fishing and shellfishing;
 - (iv) aquaculture and mariculture;
 - (v) waste management;
 - (vi) mineral extraction;
 - (vii) dredging;
 - (viii) public access;
 - (ix) recreation;
 - (x) habitats and other natural resource protection;
 - (xi) water quality;
 - (xii) open space;
 - (xiii) aesthetic values;
 - (xiv) water dependent uses;
 - (xv) common law riparian or littoral rights; and
 - (xvi) public interests, including interest under the Public Trust Doctrine; and
- (n) HMPs shall also consider other circumstances determined to be of significance by the Secretary of State, and HMPs may also consider those determined to be of significance by the city, town or village.

603.4 Development.

- (a) HMPs shall be developed with the participation of the public, and Federal, State and local governments and agencies.
- (b) Within the limits of appropriated funds, the Department of State will be available for guidance and assistance.
- (c) A schedule for incremental completion, submission of work products and final adoption and submission of the HMP shall be agreed to between the participating city, town or village and the Department of State.

603.5 Review and approval.

- (a) HMPs shall be reviewed and approved in accordance with Part 601 of this Title.

(b) (1) Local laws or ordinances to implement the HMP shall be developed with the secretary, and shall be submitted for review and comment a reasonable time prior to the scheduling of any public hearing on any such local law or ordinance.

(2) In order to ensure the effectiveness of such local laws or ordinances under section 922 of the Executive Law and whatever general or specific authority pursuant to which they are enacted, the secretary shall approve and the municipality shall adopt any local laws or ordinances in a coordinated manner.

603.6 Participation by municipalities with approved LWRPs or LWRPs near approval.

(a) Cities, towns or villages with approved LWRPs on the effective date of this Part may develop and submit an HMP for review and approval. However, any city, town or village which seeks to amend an approved LWRP must include a HMP for approval in any such amendment. This requirement may be waived by the secretary to the extent commensurate with the particular circumstances of the local government proposing the LWRP amendment.

(b) Cities, towns or villages which have completed the review period provided in section 601.4(b) of this Title before July 1, 1994 shall not be required to submit an HMP as a precondition to approval of an LWRP.

603.7 Practical considerations.

(a) A number of cities, towns and villages in the coastal area of New York State possess either several distinctive harbor areas, or have the clear need to engage in some level of cooperative intermunicipal HMP development and implementation, or both. Resources, public access and other interests may suffer unless the planning process engaged in by these municipalities results in expeditious measures to address significant existing and projected conditions in or over navigable waters and underwater lands.

(b) To accommodate the realities of size, complexity, location or other uniqueness and the need for action, such a municipality may submit a written request to the secretary for permission to prepare an expedited HMP. Any request shall specify those circumstances which justify approval of such a request.

(c) The secretary shall advise the appropriate municipal officials in writing of his or her decision on the request, and of the terms and conditions applicable to the permission to develop an expedited HMP. The secretary shall also specify any additional requirements for approval of the program and implementing laws.

Appendix 3

GUIDELINES FOR THE PREPARATION OF HARBOR MANAGEMENT PLANS

NEED FOR HARBOR MANAGEMENT

Dramatic increases in the State's recreational boating fleet and other changes in the use of harbors has resulted in competition for space within and along the shores of the State's harbors and nearshore waters. Conflicts have increased between recreational boating and other recreational uses of harbors, between recreational and commercial activities, and between all uses and natural and cultural resources. These conflicts and a lack of clear authority to solve them have degraded the natural and cultural characteristics of many harbors and their ability to support a range of appropriate uses. The ability of municipalities to take advantage of potential growth in water-dependent recreation, without destroying the viability of other water dependent uses and important natural or cultural resources, has been constrained by a lack of clear municipal authority to regulate the wide range of uses and activities occurring in harbor and nearshore areas.

Despite growing problems associated with the use of harbors, municipal regulation within harbors and nearshore areas has been limited primarily to regulating vessel use, speed, anchoring, and mooring. Municipal regulation of other in-water uses and activities on underwater lands has varied by region of the State, and is different for cities, towns, and villages. For example, special State enabling legislation authorizes specific municipalities to regulate structures such as boathouses and docks. However, until recently, there had been no clear State enabling legislation authorizing all municipalities to regulate all uses and activities occurring in harbor and nearshore areas. This lack of clear enabling legislation, and overlaps in federal, State, and local government regulatory authority, severely hampered the ability of the State and local governments to comprehensively manage activities in harbor and nearshore areas, and to resolve conflicts and other issues in these intensely used and important areas.

In order to resolve these issues, Chapter 791 of the Laws of 1992 was enacted, amending Article 42 of the Executive Law (Waterfront Revitalization and Coastal Resources Act) to provide local governments with the clear authority to comprehensively manage activities in harbor and nearshore areas by developing comprehensive harbor management plans and laws to implement those plans.

Article 42 of the Executive Law and Department of State regulations (19 NYCRR Part 600, 601.1, and 603) contain procedures for the development and approval of harbor management plans and their local implementing legislation. Harbor Management plans are to be developed with the participation of the public and federal, State and local governments and agencies. The Department of State provides information, technical, and financial assistance to municipalities for the development of Harbor Management Plans as components of their Local Waterfront Revitalization Programs.

RELATIONSHIP OF HARBOR MANAGEMENT PLANS TO THE LOCAL WATERFRONT REVITALIZATION PROGRAM

Harbor management plans are to be undertaken as part of a Local Waterfront Revitalization Program (LWRP). To date, LWRPs have primarily been developed to address land uses in the coastal area and have not fully addressed water use issues. Harbor management plans address the problems of conflict, congestion, and competition for space in the use of harbors, surface waters and underwater lands within a city, town or village, or bounding a city, town or village to a distance of fifteen hundred feet from the shore. They can be viewed as extensions of traditional land use planning and zoning concepts to the "wet side" of the coastal area.

Harbor management plans and their local implementing legislation are integral components of LWRPs and are now required for a Local Waterfront Revitalization Program to be approved. LWRPs approved prior to July 1994 or for which a Draft Environmental Impact Statement has been prepared prior to July 1994 are not required to include harbor management plans, municipalities without harbor management plans are encouraged to amend their LWRP to include harbor management plans, and substantial amendments to a LWRP must include a harbor management plan. Municipalities must submit harbor management plans and the necessary implementing laws to the Secretary of State for approval as part of, or as an amendment to, a municipality's approved LWRP.

BENEFITS OF A HARBOR MANAGEMENT PLAN

The benefits of a harbor management plan to a municipality are similar to those of an approved LWRP. In coastal waters, the State and federal government have the authority to regulate in- water activities, and most municipalities have little or no authority to regulate structures and uses of surface waters and underwater lands other than vessel uses. Harbor management plans enable local governments to address a wide range of uses in harbor and nearshore areas in full partnership with the State's Coastal Management Program. These benefits include:

- determining the status of harbor areas and developing a strategy to achieve goals for harbor areas;
- requiring state and federal adherence to harbor management plans (see Consistency of Federal, State and Local Actions below);
- technical assistance from the Department of State in addressing harbor management issues;
- financial assistance for small-scale construction and land acquisition projects;
- research, design and other preconstruction activities that implement the harbor management plan;
- addressing harbor and nearshore issues that transcend local boundaries.

An important additional benefit is that when a harbor management plan is approved by the Secretary of State as a component of a LWRP, a municipality is delegated the authority to regulate all structures and uses of waters and underwater lands. A municipality may then directly regulate the construction, size and location of structures in, on or above waters and the use of surface waters and underwater lands

within the municipality or bounding the municipality to a distance of fifteen hundred feet from the shore. They may impose fees for reasonable expenses incurred by the municipality in carrying out this regulatory authority.

This new authority does not limit or change any existing authority a municipality may now have to regulate certain harbor uses and activities. If a municipality is regulating any harbor use or activity based on an authority not derived from Article 42 of the Executive Law, the exercise of that authority, even if used to implement the municipality's harbor management plan, is not subject to the Secretary of State's approval.

Consistency of Federal, State and Local Actions with Harbor Management Plans

Upon approval of a harbor management plan as a component of an LWRP by the Secretary of State and the federal Office of Ocean and Coastal Resource Management, federal and state actions, such as funding, permit, approval and direct actions by agencies are required to be undertaken in a manner consistent with the approved LWRP and harbor management plan. Where a harbor management plan includes standards for the siting or construction of in-water structures and the use of surface waters and underwater lands, no federal or state agency may undertake or permit any actions that are inconsistent with those standards.

The consistency benefit is particularly significant with regard to harbor management, since little or no activity occurs over or in surface waters without federal or state involvement.

As with LWRPs, in exchange for federal and state consistency with approved harbor management plans, local governments must bind themselves to the harbor management plan. Usually, the vehicle is the same local consistency law that binds the local government's regulatory, approval, direct and funding actions to the policies and purposes of the LWRP.

PREPARING THE HARBOR MANAGEMENT PLAN

Harbor management plans must be comprehensive. They must consider regional needs and, as applicable, the competing needs of commercial shipping and recreational boating, commercial and recreational fishing and shellfishing, aquaculture, waste management, mineral extraction, dredging, public access, recreation, habitat and other natural resource protection, water quality, open space needs, aesthetic values, common law riparian or littoral rights and the public interest in underwater lands. Harbor management plans must cover all surface waters within or adjacent to a municipality. These include in-water areas adjacent to open shorelines as well as actively used enclosed bays or harbors. The harbor management plan provides a rational basis for the allocation and use of space within a harbor or nearshore area. A harbor management plan and its implementing local laws effectively zone surface water areas and underwater lands for specific uses or a range of specific uses in order to avoid conflicts or improve conditions within harbor or nearshore areas.

A harbor management plan may consist of a single document prepared as an appendix or supplement to a Local Waterfront Revitalization Program, or it may be integrated into a LWRP. If integrated into a LWRP, a harbor management plan would consist of the "wet side" components of the following LWRP sections: boundaries (Section 1), inventory and analysis (Section II), policies (Section III), proposed land and water uses (Section IV), techniques for implementation (Section V), and other federal and state actions necessary to advance a Local Waterfront Revitalization Program (Section VI.B).

If the harbor management plan is a separate part of the LWRP, then the policy section of the LWRP must include policy standards referencing the harbor management plan and the standards found in the harbor management plan's implementing legislation.

CONTENTS OF A HARBOR MANAGEMENT PLAN

The basic components of a harbor management plan should include the following components. The text also indicates how a harbor management plan may be integrated into a LWRP.

Inventory

The inventory identifies and describes the existing natural and cultural resources, physical features, and uses of the surface waters and underwater lands for which the plan is being developed. The inventory should include the following subjects and be supplemented by maps indicating their location and extent.

- commercial, industrial, and recreational water-dependent uses (such as marinas, boat yards, transshipment facilities, swimming areas, commercial or recreational fishing or shellfishing, types of vessel activity (commercial vessel or recreational vessel traffic) and vessel anchorage or mooring areas;
- water quality classifications and use standards;
- wetlands and significant habitats;
- the general pattern of public and private ownership of underwater lands;
- historic underwater sites or structures, such as shipwrecks, historic dry docks, or archaeological sites, if any;
- hazards to navigation, such as abandoned barges and deteriorated pilings;
- underwater cables or pipelines; and
- existing infrastructure, such as navigation channels and basins, bulkheads, docks and docking facilities, sewage treatment and vessel waste facilities, public water supplies, and roadways supporting the harbor area;
- a description of adjacent existing land uses and zoning; and
- a description of the scenic quality of the harbor, including positive and negative features.

This material may be incorporated in the text and maps of Section II-Inventory and Analysis of a LWRP.

Issues

A summary of issues of local and regional importance that should be addressed in the harbor management plan, such as:

- interference with existing navigation channels by structures such as docks, floats or anchored or moored vessels;
- public health and safety, such as conflicts between shellfishing and vessel anchorage or mooring areas, the operation of vessels in or near swimming areas, and general boating congestion;
- substandard water quality and a need to improve water quality for a range of desired uses, such as fishing, swimming, or year-round or seasonal shellfishing;
- degraded or threatened natural areas such as wetlands or significant coastal fish and wildlife habitats;
- a need to maintain or provide harbor infrastructure such as roadways, navigation channels, bulkheads, boat ramps, docks, sewage treatment and vessel waste pumpout facilities;
- limits on public access to the harbor or public use of the harbor area;
- a high demand for, but a lack of, appropriate commercial vessel support facilities or sufficiently maintained navigation channel or basin depths;
- problems related to dredging and dredged material disposal;
- the need to protect important water-dependent uses in appropriate areas within the harbor; and
- adverse impacts on scenic quality and visual access to the harbor.

The narrative should also provide a brief description of any conflicts between existing land or water uses and existing zoning standards. Such conflicts might include:

- existing nonconforming water-dependent uses in areas appropriate for water-dependent uses, but zoned for non-water dependent uses; or
- intertidal wetland areas, bays or other offshore or intertidal areas that are used or zoned for residential or other inappropriate uses in these areas.

This material may be incorporated in or included under a separate heading for harbor management issues in the summary of issues at the end of Section II of a LWRP.

Existing Authorities

A summary of the existing roles and responsibilities and existing authorities of federal, state and local agencies in the harbor area, including those of another local government which regulates or has the authority to regulate activities within 1500 feet of the municipality's shore. Examples of the agencies with the greatest roles in advancing or implementing harbor management plans that should be addressed in this summary include:

- the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, the U.S. Army Corps of Engineers, and the Department of Interior;
- the State Departments of State, Environmental Conservation, and Transportation, and the Office of General Services and the Office of Parks, Recreation, and Historic Preservation;

- agencies of the city, town, or village, or a county if the county regulates activities in the harbor area;
- in certain towns, the trustees of the towns responsible for managing harbor or foreshore areas; and
- the local harbormaster, bay constable, police department or county sheriff's office.

This material may be included in the Inventory and Analysis in Section II of a LWRP. The existing authorities of local agencies that are necessary to implement or advance the harbor management plan should be identified in Section V-Techniques to Implement the Program, including necessary implementing legislation, intermunicipal legislation, memoranda of understanding, or other agreements.

Opportunities

A narrative summary of opportunities to resolve issues or advance desired projects or uses in harbor areas, such as:

- land available for water-dependent uses;
- wetland restoration projects;
- public access projects;
- redevelopment of underutilized or deteriorated areas for projects that advance harbor management efforts.

This material may be incorporated in Section II of a LWRP.

Objectives

A summary of the overall objectives of the harbor management plan that can be accomplished through enforceable policies or capital/construction projects, such as:

- protecting existing or providing for new water-dependent uses such as marinas, boat yards, yacht clubs, port facilities, swimming beaches, or shellfishing;
- providing necessary commercial fishing support facilities such as a vessel loading and offloading platform or dock at a specific publicly owned site;
- protecting water quality by providing sufficient vessel waste pumpout and waste reception facilities to support designation of a harbor as a vessel waste no-discharge zone;
- providing a balance among the various uses of a harbor, by indicating what primary uses are to be supported in a harbor area;
- indicating goals regarding public access and use of the harbor; and
- indicating how scenic quality can be improved.

This material should be reflected in the policy statements and explanations of policy in Section III of a LWRP.

Harbor Management Plan

The harbor use plan for the harbor management area must be shown on a map that includes both the surface water area and the adjacent uplands that are integral to the use and management of surface waters and underwater lands.

A map depicting proposed water uses within harbor area should be included in Section IV-Proposed Land and Water Uses of a LWRP.

Mapping Requirements

The harbor management plan map should be of sufficiently large scale to illustrate all of the information necessary. All use zones, infrastructure and special projects should be shown on the large scale harbor management plan map. A map key should explain each zone, infrastructure type and project. A smaller scale map that shows all offshore areas within or adjacent to the municipality should be included as a component of the plan, but need not show discrete water use zones unless specific areas offshore are designated for specific uses.

Many municipal boundaries, especially on the north shore of Long Island and in the Great Lakes region, extend offshore for several miles. It is not necessary to show large expanses of offshore open water areas on the large scale harbor management plan map. However, all of the surface waters within a municipality or within 1500 feet from a municipality whose corporate limits end at the shore should be shown on a map that supplements the large scale harbor management plan map. The large scale, detailed harbor management plan map will usually only be necessary for nearshore areas such as harbors, bays, and rivers; small lakes or embayments within lakes.

Geographical Extent of a Harbor Management Area

In order to adequately represent the geographical extent of a municipality's harbor management area on a map, the map must show existing waterside municipal boundaries as well as any extraterritorial area in which the State has delegated regulatory authority to the municipality.¹ This may occur under

¹ Section 46-a of the Navigation Law and Section 130.17 of the Town Law provide municipalities with the authority to regulate certain vessel uses upon waters within a municipality, or bounding a municipality to a distance a 1500 feet from shore. These enabling statutes only apply to the regulation of the over-water use of vessels. Where a municipality's corporate limits end at the shore, Sections 46-a of the Navigation Law and Section 130.17 of the Town Law provides municipalities with the extraterritorial authority to regulate the over-water use of vessels up to 1500 feet from shore. However, Section 130.17.(3) of the Town Law prohibits a town from regulating the over-water use of vessels upon waters within a village, or within 1500 feet from the shore of a village.

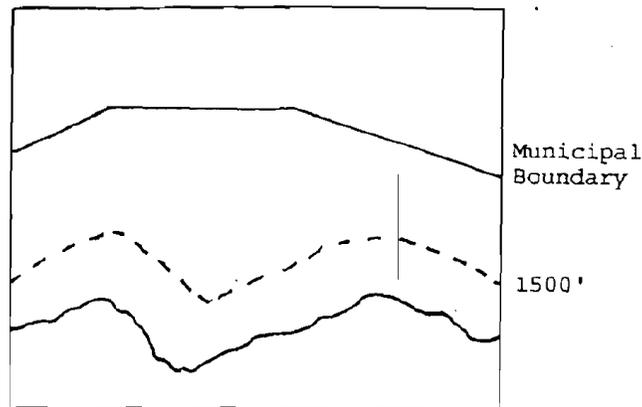
Section 46-a.(2) of the Navigation Law specifically names certain towns and villages that are authorized to regulate the construction and location of boathouses, moorings and docks in any waters within or bounding the specifically named municipalities. Similar authority, including the authority to control all structures within certain water bodies, is granted to certain municipalities in Niagara County by Section 32-e of the Navigation Law.

circumstances where a municipality's boundary coincides with the shore or is less than 1500 feet from shore.

Section 922 of Article 42 of the Executive Law enables cities, towns, and villages to regulate all structures in, on, or above surface waters and all uses of surface waters and underwater lands within a city, town, or village's municipal limits, or, where a city, town, or village's municipal limits end at the shoreline, to 1500 feet from shore, whichever distance from shore is greater. Thus, whether or not a municipality has already obtained some extraterritorial jurisdiction, where a municipality's corporate limits end at the shoreline or are less than 1500 feet from the shore, the map should indicate the offshore 1500 feet extraterritorial limit.

If a municipality's corporate limits extend more than 1500 feet from the shore, the map should indicate that the waterward limits of the municipality's harbor management area coincide with the waterward limits of the municipality's corporate limits (Figure 1).

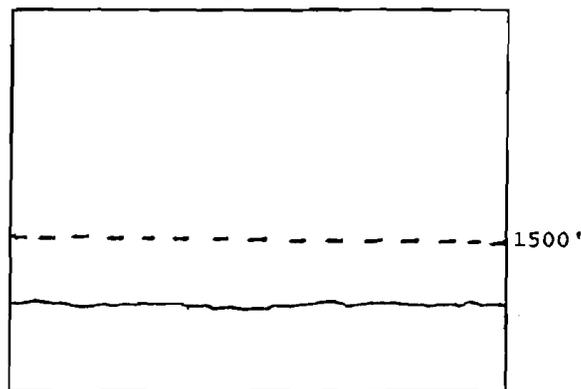
Figure 1



Where a municipality's corporate limits end at the shoreline or are less than 1500 feet from shore, the 1500 feet offshore extraterritorial limit is measured in the following manner:

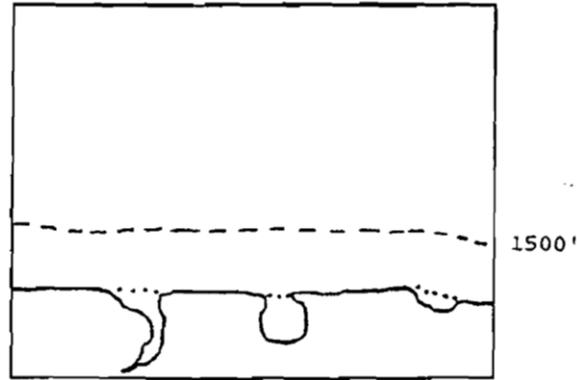
- where the shore is generally even, the 1500 feet is measured from the mean low water line (Figure 2).

Figure 2



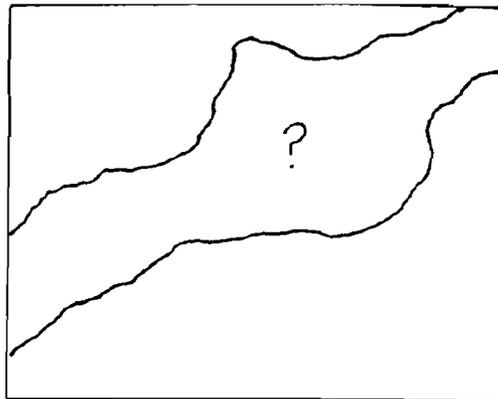
- where the shore is uneven because of indentations such as coves, small bays, inlets or similar conditions, the 1500 feet is measured from a straight line drawn across the indentation from the two points representing the furthest waterward extent of the mean low water line on either side of the indentation (Figure 3).

Figure 3



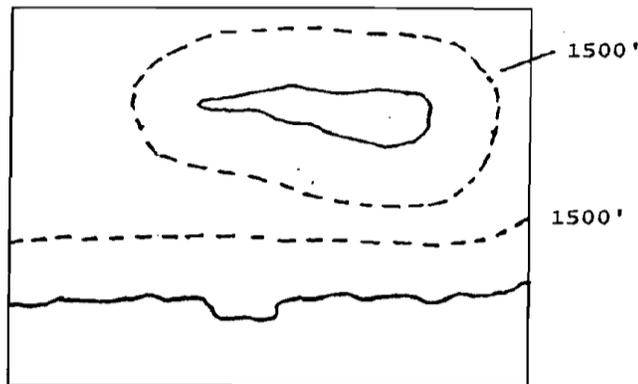
- where municipalities share a water body that is less than 3000 feet wide, the Department of State will advise where the offshore limit of the area should be (Figure 4).

Figure 4



- where an offshore island is part of a mainland municipality, and the municipality's corporate limits do not encompass the water area between the mainland and the island or surrounding the island, the 1500 feet distance from the shore of the island is measured from the mean low water line surrounding the island (Figure 5).

Figure 5



Harbor Use or Water Use Zones

The harbor management plan map is a graphic depiction of the types of uses allowed and in which harbor areas the uses are and are not allowed. A harbor management plan map is similar to a zoning map, and needs to be supported by a single law or ordinance or a group of special purpose laws or ordinances, just as a zoning map is implemented by a zoning law or ordinance. Laws or ordinances and descriptions of physical projects describe what the map shows and make the map "work" by regulation.

The map should depict areas representing surface waters and underwater lands that will be designated for certain uses, such as:

- existing or proposed navigation channels, fairways, or access ways over the water's surface;
- open water areas;
- mooring or anchorage areas;
- special use zones, e.g. areas set aside for or periodically designated for water skiing, races, or other special events;
- buffer areas between water surface uses;
- swimming areas;
- harbor or pierhead lines, and bulkhead lines;
- perimeter permit areas;
- major structures such as groins, jetties, seawalls, bulkheads, and piers;
- sensitive habitat or shellfishing areas;
- marinas; and
- upland areas adjacent to the water body where water-dependent uses are proposed.

The map should also depict important proposed public improvements, such as public docks or vessel waste disposal facilities, launching ramps and parking areas.

The harbor management plan map should be included in Section IV of a LWRP.

Techniques to Implement the Harbor Management Plan

The harbor management plan must identify appropriate techniques to address issues described in the summary of issues and to implement the harbor management plan and map. These techniques may include:

Local Laws or Ordinances

The adoption of local laws or ordinances that implement the harbor management plan map by regulating vessels, structures, and uses within the harbor management area, such as:

- the use, operation, speed, and anchoring and mooring, and other uses of or activities associated with vessels;
- the siting and construction of docks, piers, bulkheads or other in-water structures;
- activities allowed or prohibited in sensitive areas such as highly productive wetlands and significant habitats, or in areas such as swimming areas where public safety is of concern;
- dredging and dredged material disposal and the mining or excavating of subsurface materials;
- swimming, SCUBA diving or other primary contact in-water recreational activities; and
- adopting new or amending existing zoning laws or ordinances, where appropriate favoring water-dependent uses, or allowing limited water-enhanced or non-water-dependent uses that support water-dependent uses.

These local laws or ordinances should describe the allowable uses of areas as shown on the harbor management plan map, and should include standards for these uses. In effect, these laws are much like the text of a traditional zoning law or ordinance that provides the narrative text and standards to implement a standard zoning map.

Existing laws or ordinances, if any, that implement portions of the harbor management plan; and proposed amendments to existing laws or ordinances and proposed new laws or ordinances to implement the harbor management plan, should be included in Section V -Techniques for Implementation of the Program under the heading of Local Laws or Ordinances and Regulations Necessary to Implement the LWRP.

Procedural Actions

Procedural actions are actions that change how activities in harbor areas are managed, create special districts, or establish responsibilities to manage activities in harbor areas, such as:

- Harbor Improvement Districts - establishing harbor improvement districts pursuant to Section 190 of the Town Law to provide a funding mechanism for public projects and physical improvements in and adjacent to the harbor area, such as: water quality improvement projects; studies; construction and maintenance of public launching ramps, docks, vessel waste pumpout and waste reception facilities; land acquisition; and dredging;
- Management - appointing a harbor manager to administer the plan, or providing a harbormaster or other person with the training and authority necessary to administer the plan; designating the harbor responsibilities of existing officials and boards;

- Enforcement - appointing a harbormaster or bay constable to enforce the plan's regulations, or improving the ability of a harbormaster, bay constable, the sheriff's office or police department to enforce the plan;
- Education - providing information to recreational boaters and other users of the harbor area, such as tourists, regarding harbor safety and public health, maritime history, uses of the harbor area, natural resources, or other information that increases public awareness of harbor issues.

These procedural actions should be included in Section V of a LWRP.

Studies and Research

Special studies, design projects, or research necessary to advance or refine a harbor management plan or a component of it, such as:

- detailed studies of the extent of grants, leases or easements of underwater lands, in order to determine the extent of public and private rights in and to underwater lands where information is not readily available or sufficiently detailed to be included in a harbor management plan;
- water quality, pollutant transport, or sedimentation studies;
- needs assessment, design or other specific assessments relating to commercial fishing facilities, recreational fishing facilities, or public access facilities;
- conceptual or detailed design studies of harbor infrastructure needs such as docks, drainage facilities and water quality improvements;
- design of landscaping and other treatments which would improve the scenic quality of the harbor area.

These studies and projects should be included in Section IV of a LWRP.

Capital Projects

Capital improvement or construction projects that are necessary to maintain or improve uses or conditions within a harbor area, such as:

- providing public commercial or recreational fishing docks, public docking facilities, or vessel waste pumpout and disposal facilities, and the maintenance of public navigation channels;
- dredging and dredged material disposal;
- improvements to street drains to treat runoff and improve water quality in harbor areas;
- public access walkways, improved lighting, viewing points;
- other harbor infrastructure improvement projects.

These studies and projects should be included in the proposed projects in Section IV of a LWRP, and in Section V of a LWRP, under the heading of Other Public and Private Actions Necessary to Implement the Program.

Other Implementation Actions Necessary

Actions by federal and State agencies are often necessary in order to fully implement and advance projects in harbor areas. These actions may include approving anchorage and mooring areas prior to designation, designating vessel waste no-discharge zones, dredging or maintaining major navigation channels and basins, constructing or maintaining breakwaters, funding certain studies, or providing technical assistance. These necessary actions should be described in the harbor management plan.

The actions of federal and state agencies, such as the acquisition of land, capital funding, conducting special studies or providing technical assistance necessary to further advance the program, should be included in Part B of Section VI of a LWRP.

PROCEDURAL REQUIREMENTS

Approval

Harbor management plans will be reviewed and approved by the Secretary of State in the same manner as a LWRP or an amendment to a LWRP.

For a harbor management plan to be approved, it must incorporate, to an extent commensurate with the circumstances of the municipality seeking approval, those elements described earlier in the contents section of these guidelines.

Local laws or ordinances to implement the harbor management plan are to be developed in consultation with the Department of State, and are to be submitted to the Department of State for review and comment a reasonable time prior to the scheduling of any public hearing concerning such local law or ordinance.

In order to ensure the effectiveness of local laws or ordinances to implement a harbor management plan developed under the delegation authority of Section 922 of the Executive Law, it is necessary for the Secretary of State and municipalities to approve and adopt local laws and ordinances in a coordinated manner. Prior to submitting a harbor management plan for the Secretary of State's approval, the local laws or ordinances necessary to fully implement the harbor management plan should be adopted by municipalities. However, these local laws or ordinances will not become effective unless and until they are approved by the Secretary of State. Therefore, it is suggested that the effectiveness of the laws or ordinances and the Secretary's approval be concurrent, i.e., the laws or ordinances should be written so that they become effective immediately upon approval by the Secretary of State.

Amendment of an Approved Harbor Management Plan

Harbor management plans may be amended in the same manner as an amendment to a LWRP.

Withdrawal of an Approved LWRP or Harbor Management Plan

If a municipality decides to withdraw from the Local Waterfront Revitalization Program or decides to withdraw its approved harbor management plan, all of the benefits to the local government derived from the Secretary of State's approval of the LWRP and the harbor management plan will be terminated. The benefits that will be terminated include, but are not limited to:

- any funding or technical assistance
- the effect of any authority delegated to the local government to implement the harbor management plan by local laws or ordinances or portions of local laws or ordinances that required approval of the Secretary of State

For example, if a municipality did not have the authority to regulate in-water structures prior to approval of the harbor management plan, and the Secretary of State approved a harbor management plan and the local laws necessary to implement the plan by regulating in-water structures, the Secretary of State's approval of those laws is automatically withdrawn, and the force and effect of the local laws are terminated. All of the benefits of federal and State consistency with the LWRP and harbor management plan will also be terminated.

Special Circumstances

Expedited Harbor Management Plan

To accommodate the realities of size, complexity, location or other uniqueness and the need for timely action, municipalities may submit a written request to the Secretary of State for permission to prepare an expedited harbor management plan. Such a request is required to specify the circumstances that would justify approval of such a request. If the Secretary approves such a request, the approval may include terms and conditions applicable to the permission to develop an expedited harbor management plan, and will specify additional requirements for the approval of the harbor management plan and its implementing legislation. The following two circumstances are ones which might warrant such a request:

1. Multiple Harbor Areas in a Single Municipality

Some cities and towns possess several discrete harbors. It may not be practical to develop a detailed harbor management plan as outlined above for all these areas in a reasonable period of time. Therefore, a municipality may submit a LWRP with a harbor management plan component that is more general in nature. Such a component should establish general policies with regard to the use of surface waters and regulation of in- water structures. A schedule should be included for the development of more detailed harbor management plans for each of the municipality's harbors.

2. More Than One Municipality in a Harbor Area

Many harbor areas are shared by several municipalities. An ideal harbor management plan for these harbors would of necessity require the participation and cooperation of all municipalities sharing the harbor area. Such a cooperative harbor management plan is strongly encouraged.

However, in order to avoid undue delay in completing a LWRP where the possibility of cooperative harbor management among several municipalities is foreseeable but not immediate, a municipality may submit a general harbor management be developed as part of an intermunicipal cooperative effort.

More than One Municipality with Regulatory Authority in the Same Harbor Area

In some circumstances another municipality may regulate, or have the authority to regulate, harbor activities within 1500 feet of the shore of the municipality that is preparing a harbor management plan. This situation is most likely to occur in Nassau and Suffolk Counties. There, a town may have authority to regulate certain harbor activities, such as docks or other structures in water, within 1500 feet of the shore of a city, village, or town of which the corporate boundary is located at the shoreline or less than 1500 feet from shore. In these circumstances it is necessary to avoid having potentially conflicting laws apply. To achieve this, the municipality preparing the harbor management plan may either avoid regulating the activities subject to the other municipality's jurisdiction or it may enter into an intermunicipal agreement that spells out how the municipalities will share responsibilities for regulating the activities. The latter is encouraged.

It is important to note that the need to avoid a conflict applies to regulation arising from a municipality's police powers, and not to regulation based solely on a municipality's proprietary interests, that is, from ownership of underwater lands. Nevertheless, to avoid conflicting regulation under the latter circumstances as well, it is strongly encouraged that the municipalities agree on cooperative management. This problem of conflicting laws is not likely to occur elsewhere in the State because State law does not allow towns to regulate within 1500 feet of a city or village, it generally does not provide authority to regulate docks• or other structures in water, and towns generally do not own underwater lands outside of Nassau and Suffolk Counties. The Department of State will advise a municipality that is initiating a harbor management plan whether the potential for a conflict of laws is present and with regard to what activities.

TERMS AND DEFINITIONS

The following is a general guide to the definitions of some of the terms used in these guidelines, and except for the terms "comprehensive harbor management plan", "harbor management plan", and "water-dependent use" are not legal definitions or definitions found in any overriding federal or State statutes. Many of these terms and definitions may be changed or used differently in harbor management plans and their implementing legislation.

Comprehensive Harbor Management Plan - a plan to address the problems of congestion and competition for space in the use of harbors, surface waters and underwater lands of the State within a city, town or village or bounding a city, town or village to a distance of fifteen hundred feet from shore.

Harbor or Pierhead Line - a line designated by the local legislative body of a city, town or village, by the State or federal government or by an agency of the State or federal government, and represented on a harbor management plan map, indicating the waterward limit of any in- water structure such as docks, piers, gangways, ramps, groins, jetties or any other structure projecting from the shoreline.

Bulkhead Line - a line designated and represented in the same manner as a harbor or pierhead line, but indicating the waterward limit of any bulkhead, seawall, fill material, revetment, or similar structure.

Harbor Management Area - all surface waters and underwater lands lying within a city, town or village and, where the municipal limits of a city, town or village end at the water's edge, all surface waters and underwater lands within 1500 feet of the shore of a city, town or village.

Perimeter Area - a boundary of a docking facility, mooring area or other in-water use area consisting of a series of connected imaginary lines on a plan or map, drawn generally perpendicular and parallel to the shore, that encompasses all related structures or uses such as docks, bulkheads, breakwaters, pilings, floats, piers, platforms, moorings, or swimming or boating areas, that function to create a facility or area for specific uses.

Water-dependent Use- an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

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NYS Criminal Procedures Law, Sections 2.10, 2.20, and 2.30.

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Putting the Public Trust Doctrine to Work, Coastal States Organization, November, 1990.

Town of Hempstead Structures in Waterways Law.

Village of Mamaroneck LWRP Amendments, 1994.

Village of Mamaroneck Underwater Land Study, 1986.

Appendix 4: LWRP Maps Guidance

This appendix provides guidance on maps to be included in the LWRP. Maps shown as **bold text** in the list below are required: #1, 3, 5, 8, 9, 10 and 12. The section numbers indicate the LWRP section(s) where each map should appear, and refer to the sections of the LWRP described in the LWRP Preparation Guidance Manual. Other maps are suggested and may be included to show the location of important natural and man-made features of the waterfront area, and proposals of the LWRP. Those that are not relevant to the LWRP can be eliminated, for example if there are no Agricultural Districts, or there will not be any proposed Zoning changes, or there are no Waste and Toxic Sites in the WRA, Maps #7, #10, and #20 may be left out as applicable. Two maps may be combined into one if the presentation of the data is still clear, distinct and legible. All maps should have TOADS: Title, Orientation (N/S arrow), Author, Date, and Scale. All maps should reflect the content and be referenced in the narrative of the LWRP.

The following pages list required and suggested data sets for each map as well as line and polygon types and colors. Using these graphics provides a standardized format for all maps developed for the LWRP. While the format is not required, it is recommended that the map designer uses similar graphics between maps for common elements such as the existing coastal area boundary, proposed Local Waterfront Revitalization Area boundary and municipal boundaries.

1. Proposed Waterfront Revitalization Area Boundary Map (Section 1)	2
2. WRA Subareas Maps – If applicable (Section 1 and Section 2)	3
3. Existing Land Use Map(s) (Section 2)	3
4. Land Ownership Map(s) (Section 2 and Section 4)	3
5. Proposed Land Use Map(s) (Section 4)	3
6. Existing Underutilized Sites and Structures (Section 2)	3
7. Agricultural Districts Map(s) (Section 2)	4
8. Water Uses/Harbor Management Area Boundary Map(s) (Sections 2 and 4)	4
9. Existing Zoning Districts Map(s) (Sections 2 and 4)	4
10. Proposed Zoning Districts Map(s) – If applicable (Section 5)	4
11. Proposed Projects Map(s) (Section 4)	5
12. Parks and Recreation Sites and Facilities Map(s) (Section 2)	5
13. Scenic Resources (Section 2)	5
14. Historic and Cultural Features Map (Section 2)	5
15. Land Cover Map (Section 2)	5

- 16. Surficial Geology and Soils (Section 2) 6
- 17. Wetlands and Floodplains Map(s) (Section 2) 6
- 18. Sensitive Environmental Features Map (Section 2) 6
- 19. Public Services Utilities and Infrastructure Map(s) (Section 2) 7
- 20. Waste and Toxic Sites Map(s) (Section 2) 7

Suggested Data and Graphic Formats for LWRP Maps

There are a several sources that can be searched to obtain data for LWRP maps. Data can be downloaded from the Department of State’s Geographic Information Gateway at: <http://opdgig.dos.ny.gov/#/home>. Data is also available from the New York State Geographic Information System (GIS) Clearinghouse at: <https://gis.ny.gov/>. County departments of planning and development, information systems, and real property tax usually have GIS data available. Some local governments may have their own GIS departments with locally-developed data.

All maps should be prepared as standalone high-resolution PDFs. In addition, electronic data for all GIS-based mapping products must be prepared and provided in ArcGIS format or other product acceptable to DOS OPD so that the OPD GIS unit can use the data in electronic applications, and to revise the Coastal Boundary database when changes to the boundary are made as part of an approved LWRP. ALL maps must be drawn on the same base map and include two required data layers: the existing coastal area boundary (if a new LWRP), and the proposed Local Waterfront Revitalization Area boundary. Additional data sets are recommended below for the LWRP maps, with suggested graphic formats for each data layer. These exact graphic formats are not required, they are shown to illustrate the goal of having a consistent set of colors and lines that will be used in all of the LWRP maps.

Required maps are shown in bold text in the list below:

1. Proposed Waterfront Revitalization Area Boundary Map (Section 1)

- a. White or off-white background
- b. Labeled Streets/Roads (centerline): _____
- c. Labeled Streams (centerline): _____
- d. Labeled Waterbodies: 
- e. Labeled Municipal Boundary: -----
- f. Parcels: 
- g. Neighboring municipalities showing just main roads: 
- h. REQUIRED: Existing coastal area boundary or WRA boundary: _____

(Note: The existing coastal boundary should be the top layer of the map, which will make its removal easy when the proposed WRA boundary becomes current with the local adoption of the LWRP. If the municipality is preparing maps for an amendment to its LWRP, it will be an existing WRA boundary.)

- i. REQUIRED: Proposed WRA boundary: -----
- j. Proposed Harbor Management Area (waterside area of WRA) 
- k. Labels
- l. Legend

2. WRA Subareas Maps – If applicable (Section 1 and Section 2)

Maps should be developed for each subarea if the narrative of the LWRP is also described by using subareas.

- Include all data elements in Map #1: a. through l.

3. Existing Land Use Map(s) (Section 2)

- Include the following data elements from Map #1: b, c, d, e, f, g, h, i, k and l.
 - Also include:
 - m. Agricultural uses: 
 - n. Residential uses: 
 - o. Business and Commercial uses: 
 - p. Recreation uses: 
 - q. Community/Public Services: 
 - r. Mixed Uses: 
 - s. Light Industrial/Offices: 
 - t. Industrial uses:  (includes upland dredge material disposal area)
 - u. Vacant Land: 
 - v. Transportation Services 
 - w. Utilities: 

4. Land Ownership Map(s) (Sections 2 and 4)

- Include the following data elements from Map #1: b, c, d, e, f, g, h, i, j, k, and l.
 - Also include:
 - Public ownership (local, county, state, federal)
 - Easements (utility, public, beach access, conservation, etc.)
 - Underwater lands (ownership/grants/leases)

5. Proposed Land Use Map(s) (Section 4)

- Include all data elements in Map #3: b, c, d, e, f, g, h, i, k and l, and m through w.

6. Existing Underutilized Sites and Structures (Section 2)

- Include the following data elements from Map #1: b, c, d, e, f, g, h, i, k and l.
 - Also include:
 - Brownfields
 - Underutilized sites
 - Underutilized structures

7. Agricultural Districts Map(s) (Section 2)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l.
 - Also include:
 - New York State Agricultural Districts within the WRA

8. Water Uses/Harbor Management Area Boundary Map(s) (Sections 2 and 4)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, j, k and l. If the municipality's corporate limits end at the shoreline or are less than 1500 feet from the shore, the map should indicate the offshore 1500 feet extraterritorial limit.
 - Also include:
 - State -designated Significant Coastal Fish & Wildlife Habitats
 - Coastal Erosion Hazard Area (CEHA) – if these are not available digitally, provide a copy of the official maps
 - Public shoreline access
 - Swimming beaches
 - Designated swimming areas
 - Navigation channels
 - Bottom elevations (use NOAA's Nautical Charts)
 - Navigation obstructions
 - Mooring areas
 - Transient moorings on anchors
 - Special anchorage areas
 - Marinas and piers
 - Bulkhead or hardened shoreline
 - Boat launches
 - Kayak launches
 - Designated diving areas
 - Designated fishing areas (from shore or boat)
 - Pump-out facilities
 - Fisheries or shellfisheries
 - Cage fish culture and aquaculture research facilities
 - Commercial fishing and fishing support facilities
 - In-water dredge material disposal areas
 - Sewage treatment outfalls
 - Other in-water structures

9. Existing Zoning Districts Map(s) (Sections 2 and 5)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l.
 - Also include:
 - Existing Zoning Districts = as represented on the municipality's official Zoning Map

10. Proposed Zoning Districts Map(s) – If applicable (Section 5)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l.
 - Also include:
 - Proposed Zoning Districts necessary for implementing the LWRP

11. Proposed Projects Map(s) (Section 4)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l.
 - Also include:
 - Locations and names of proposed projects

12. Parks and Recreation Sites and Facilities Map(s) (Section 2)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l.
 - Also include:
 - Municipal parks ■
 - Trails (mixed use, hiking, snowmobile) _____
 - Camping areas
 - Picnic areas
 - Pocket parks
 - Public waterfront access (fishing, swimming, boating, kayaking)
 - Sites of active recreation (sports fields, courts, etc.)

13. Scenic Resources (Section 2)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l.
 - Also include:
 - Scenic Areas of Statewide Significance (SASS)
 - Locally important views to the water
 - Locally important views from the water

14. Historic and Cultural Features Map (Section 2)

- Include the following data elements from Map #1: b, c, d, e, f, g, h, i, k and l.
 - Also include:
 - Historic districts, sites and structures
 - Archeologically sensitive areas
 - Cultural landmarks
 - Lighthouses, shipwrecks, dry docks, etc.

15. Land Cover Map (Section 2)

- Include the following data elements from Map #1: a, b, c, d, e, g, h, i, k and l

- Also include:
 - Water: 
 - Developed 
 - Mechanically disturbed 
 - Mining 
 - Naturally barren 
 - Forest 
 - Grassland/Shrubland 
 - Agriculture 
 - Wetland 
 - Non-mechanically disturbed (by wind, floods, fire, animals) 

16. Surficial Geology and Soils (Section 2)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l
 - Also include:
 - Soils
 - Surficial Geology

17. Wetlands and Floodplains Map(s) (Section 2)

- Include the following data elements from Map #1: b, c, d, e, g, h, i, k and l
 - Also include:
 - Hydric soils
 - State wetlands
 - Federal wetlands
 - Locally delineated wetlands
 - Floodways
 - 100-year floodplains
 - Identified shoreline erosion areas
 - Sites of recurrent floods (by year)

18. Sensitive Environmental Features Map (Section 2)

- Include the following data elements from Map #1: b, c, d, e, f, g, h, i, k and l.
 - Also include:
 - State -designated Significant Coastal Fish & Wildlife Habitats
 - Coastal Erosion Hazard Area (CEHA)/shoreline erosion
 - Designated or important bird areas
 - Natural protective features
 - Outstanding geologic features

- Steep slopes
- Landscape conservation areas

19. Public Services Utilities and Infrastructure Map(s) (Section 2)

- Include the following data elements from Map #1: b, c, d, e, f, g, h, i, k and l.
- Also include:
 - Transportation
 - Water supply, treatment, and distribution
 - Sewer system, wastewater treatment and outfalls
 - Stormwater and green infrastructure
 - Gas supply
 - Electrical grids
 - Telecommunications

20. Waste and Toxic Sites Map(s) (Section 2)

- Include the following data elements from Map #1: b, c, d, e, f, g, h, i, k and l.
- Also include:
 - Landfills
 - Toxic sites
 - Hazardous waste sites

Appendix 5:

44 Policies of the New York State Coastal Management Program

All statements of policy should be “Bold Text”

STATE COASTAL MANAGEMENT POLICIES	
DEVELOPMENT POLICIES	
Policy 1	Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
Policy 2	Facilitate the siting of water dependent uses and facilities on or adjacent to coastal water.
Policy 3	Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.
Policy 4	Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.
Policy 5	Encourage the location of development in areas where public services and facilities essential to such development are adequate.
Policy 6	Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
FISH and WILDLIFE POLICIES	
Policy 7	Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.
Policy 8	Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.
Policy 9	Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.
Policy 10	Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.
FLOODING and EROSION HAZARDS POLICIES	
Policy 11	Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Policy 12	Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.
Policy 13	The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
Policy 14	Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.
Policy 15	Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.
Policy 16	Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.
Policy 17	Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.
GENERAL POLICY	
Policy 18	To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.
PUBLIC ACCESS POLICIES	
Policy 19	Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.
Policy 20	Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.
RECREATION POLICIES	
Policy 21	Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.
Policy 22	Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.
HISTORIC and SCENIC RESOURCES POLICIES	
Policy 23	Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.

Policy 24	Prevent impairment of scenic resources of statewide significance.
Policy 25	Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.
AGRICULTURAL LANDS POLICY	
Policy 26	Conserve and protect agricultural lands in the State's coastal area.
ENERGY and ICE MANAGEMENT POLICIES	
Policy 27	Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.
Policy 28	Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.
Policy 29	The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.
WATER and AIR RESOURCES POLICIES	
Policy 30	Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.
Policy 31	State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
Policy 32	Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.
Policy 33	Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.
Policy 34	Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.
Policy 35	Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Policy 36	Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.
Policy 37	Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
Policy 38	The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.
Policy 39	The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.
Policy 40	Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
Policy 41	Land use or development in the coastal area will not cause national or State air quality standards to be violated.
Policy 42	Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.
Policy 43	Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
WETLANDS POLICY	
Policy 44	Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Appendix 6:

13 Policies of the Long Island Sound Coastal Management Program

Long Island Sound Coastal Management Policies	
<p>The Long Island Sound Coastal Management Program policies consider the economic, environmental, and cultural characteristics of the Long Island Sound coastal region. They take the place of the 44-statewide policies of the New York State Coastal Management Program. The policies are comprehensive and reflect existing state laws and authorities. They represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on the Sound's coastal resources. The policies are the basis for federal and state consistency determinations for activities affecting the Long Island Sound coastal area. They are also a guide for development of new Local Waterfront Revitalization Programs and revisions to approved Local Waterfront Revitalization Programs. <i>Note: The following list contains the statements of LIS coastal policy, and does not include the explanation of those statements.</i></p>	
DEVELOPED COAST POLICIES	
Policy 1	Foster a pattern of development in the Long Island Sound coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.
Policy 1.1	Concentrate development and redevelopment in or adjacent to traditional waterfront communities.
Policy 1.2	Ensure that development or uses take appropriate advantage of their coastal location.
Policy 1.3	Protect stable residential areas.
Policy 1.4	Maintain and enhance natural areas, recreation, open space, and agricultural lands.
Policy 1.5	Minimize adverse impacts of new development and redevelopment.
Policy 2	Preserve historic resources of the Long Island Sound coastal area.
Policy 2.1	Maximize preservation and retention of historic resources.
Policy 2.2	Protect and preserve archeological resources.
Policy 2.3	Protect and enhance resources that are significant to the coastal culture of the Long Island Sound.
Policy 3	Enhance visual quality and protect scenic resources throughout Long Island Sound.
Policy 3.1	Protect and improve visual quality throughout the coastal area.
Policy 3.2	Protect aesthetic values associated with recognized areas of high scenic quality.
NATURAL COAST POLICIES	
Policy 4	Minimize loss of life, structures, and natural resources from flooding and erosion.
Policy 4.1	Minimize losses of human life and structures from flooding and erosion hazards.
Policy 4.2	Preserve and restore natural protective features.
Policy 4.3	Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.
Policy 4.4	Manage navigation infrastructure to limit adverse impacts on coastal processes.
Policy 4.5	Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.
Policy 4.6	Consider sea level rise when siting and designing projects involving substantial public expenditures.

Policy 5	Protect and improve water quality and supply in the Long Island Sound coastal area.
Policy 5.1	Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.
Policy 5.2	Manage land use activities and use best management practices to minimize nonpoint pollution of coastal waters.
Policy 5.3	Protect and enhance the quality of coastal waters.
Policy 5.4	Limit the potential for adverse impacts of watershed development on water quality and quantity.
Policy 5.5	Protect and conserve the quality and quantity of potable water.
Policy 6	Protect and restore the quality and function of the Long Island Sound ecosystem.
Policy 6.1	Protect and restore ecological quality throughout Long Island Sound.
Policy 6.2	Protect and restore Significant Coastal Fish and Wildlife Habitats.
Policy 6.3	Protect and restore tidal and freshwater wetlands.
Policy 6.4	Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.
Policy 6.5	Protect natural resources and associated values in identified regionally important natural areas.
Policy 7	Protect and improve air quality in the Long Island Sound coastal area.
Policy 7.1	Control or abate existing and prevent new air pollution.
Policy 7.2	Limit discharges of atmospheric radioactive material to a level that is as low as practicable.
Policy 7.3	Limit sources of atmospheric deposition of pollutants to the Sound, particularly from nitrogen sources.
Policy 8	Minimize environmental degradation in the Long Island Sound coastal area from solid waste and hazardous substances and wastes.
Policy 8.1	Manage solid waste to protect public health and control pollution.
Policy 8.2	Manage hazardous wastes to protect public health and control pollution.
Policy 8.3	Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.
Policy 8.4	Prevent and remediate discharge of petroleum products.
Policy 8.5	Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being, and general welfare of the public; the environmental resources of the state; and the continued use of transportation facilities.
Policy 8.6	Site solid and hazardous waste facilities to avoid potential degradation of coastal resources.
PUBLIC COAST POLICIES	
Policy 9	Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Long Island Sound coastal area.
Policy 9.1	Promote appropriate and adequate physical public access and recreation throughout the coastal area.
Policy 9.2	Provide public visual access from public lands to coastal lands and waters or open space at all sites where physically practical.
Policy 9.3	Preserve the public interest in and use of lands and waters held in public trust by the state, New York City, and towns in Nassau and Suffolk counties.
Policy 9.4	Assure public access to public trust lands and navigable waters.

WORKING COAST POLICIES	
Policy 10	Protect Long Island Sound's water-dependent uses and promote siting of new water-dependent uses in suitable locations.
Policy 10.1	Protect existing water-dependent uses.
Policy 10.2	Promote maritime centers as the most suitable locations for water-dependent uses.
Policy 10.3	Allow for development of new water-dependent uses outside of maritime centers.
Policy 10.4	Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses, particularly water-enhanced and maritime support services.
Policy 10.5	Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.
Policy 10.6	Provide sufficient infrastructure for water-dependent uses.
Policy 10.7	Promote efficient harbor operation.
Policy 11	Promote sustainable use of living marine resources in Long Island Sound.
Policy 11.1	Ensure the long-term maintenance and health of living marine resources.
Policy 11.2	Provide for commercial and recreational use of the Sound's finfish, shellfish, crustaceans, and marine plants.
Policy 11.3	Maintain and strengthen a stable commercial fishing fleet in Long Island Sound.
Policy 11.4	Promote recreational use of marine resources.
Policy 11.5	Promote managed harvest of shellfish originating from uncertified waters.
Policy 11.6	Promote aquaculture.
Policy 12	Protect agricultural lands in the eastern Suffolk County portion of Long Island Sound's coastal area.
Policy 12.1	Protect existing agriculture and agricultural lands from conversion to other land uses.
Policy 12.2	Establish and maintain favorable conditions which support existing or promote new coastal agricultural production.
Policy 12.3	Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.
Policy 12.4	Preserve scenic and open space values associated with the Sound's agricultural lands.
Policy 13	Promote appropriate use and development of energy and mineral resources.
Policy 13.1	Conserve energy resources.
Policy 13.2	Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.
Policy 13.3	Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.
Policy 13.4	Minimize adverse impacts from fuel storage facilities.
Policy 13.5	Minimize adverse impacts associated with mineral extraction.

Appendix 7: Local Waterfront Consistency Review Law and Waterfront Assessment Form

Note: **Highlighted** areas indicate where the municipality should insert local information.

TOWN/VILLAGE/CITY OF _____
Local Law # _____ of the Year 20____

Be it enacted by the **Town Board/Village Board of Trustees/City Council** of the **Town/Village/City** of _____ as follows:

General Provisions

I. Title.

This law may be known as the **Town/Village/City** of _____ Local Waterfront Revitalization Program (LWRP) Consistency Review Law.

II. Authority and Purpose.

- A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this law is to provide a framework for the agencies of the **Town/Village/City** of _____ to incorporate the policies and purposes contained in the **Town/Village/City** of _____ Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located within the waterfront revitalization area; and to assure that such actions and direct actions undertaken by **Town/Village/City** agencies are consistent with the LWRP policies and purposes.
- C. It is the intention of the **Town/Village/City** of _____ that the preservation, enhancement, and utilization of the unique waterfront revitalization area of the **Town/Village/City** occur in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate growth. Accordingly, this law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: degradation or loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
- D. The substantive provisions of this local law shall only apply while there is in existence a **Town/Village/City** of _____ Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. Definitions.

- A. "Actions" include all the following, except minor actions:

- (1) projects or physical activities, such as construction or any other activities that may affect natural, manmade, or other resources in the waterfront revitalization area, or the environment, by changing the use, appearance, or condition of any resource or structure, that:
 - i. are directly undertaken by an agency; or
 - ii. involve funding by an agency; or
 - iii. require one or more new or modified approvals, permits, or review from an agency or agencies;
- (2) agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect waterfront resources or the environment; and
- (4) any combination of the above.

- B. "Agency" means any board, agency, department, office, other body, or officer of the **Town/Village/City** of **_____**.
- C. "Waterfront revitalization area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the **Town/Village/City** of **_____**, as shown on the coastal area map on file in the office of the Secretary of State and as delineated in the **Town/Village/City** of **_____** Local Waterfront Revitalization Program (LWRP).
- D. "Waterfront Assessment Form (WAF)" means the form, a sample of which is appended to this local law, used by an agency or other entity to assist in determining the consistency of an action with the **Town/Village/City** of **_____** Local Waterfront Revitalization Program.
- E. "Code Enforcement Officer" means the Building Inspector and/or Code Enforcement Officer of the **Town/Village/City** of **_____**.
- F. "Consistent" means that the action will fully comply with the LWRP policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.
- G. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rulemaking, procedure making and policy making.
- H. "Environment" means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront revitalization area.
- I. "Local Waterfront Revitalization Program" or "LWRP" means the **Town/Village/City** of **_____** Local Waterfront Revitalization Program approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law), a copy of which is on file in the Office of the Clerk of the **Town/Village/City** of **_____**.
- J. "Minor actions" include the following actions, which are not subject to review under this law:
- (1) maintenance or repair involving no substantial changes in an existing structure or facility;

- (2) replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
- (3) repaving of existing paved highways not involving the addition of new travel lanes;
- (4) street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
- (5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, and **in Nature Preserves or within the Harbor Protection Overlay District (HPOD) (or other special district)**;
- (6) granting of individual setback and lot line variances, except in relation to a regulated natural feature;
- (7) minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
- (8) installation of traffic control devices on existing streets, roads and highways;
- (9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- (11) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- (12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (14) collective bargaining activities;
- (15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

- (19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
 - (20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
 - (21) adoption of a moratorium on land development or construction;
 - (22) interpreting an existing code, rule or regulation;
 - (23) designation of local landmarks or their inclusion within historic districts;
 - (24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
 - (25) local legislative decisions such as rezoning where the **Town Board/Village Board of Trustees/City Council** determines the action will not be approved.
- K. "Waterfront Advisory Committee" or "Committee" means the committee of the **Town/Village/City** of _____, as created pursuant to this law. (See V., below)

IV. Management and Coordination of the LWRP.

- A. The **Waterfront Advisory Committee/Planning Department** shall be responsible for overall management and coordination of the LWRP. In performing this task, the **Waterfront Advisory Committee/Planning Department** shall:
- (1) Inform the **Town Board/Village Board of Trustees/City Council** on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
 - (2) Make applications for funding from State, **federal**, or other sources to finance projects under the LWRP.
 - (3) Coordinate and oversee liaison between **Town/Village/City** agencies and departments, to further implementation of the LWRP.
 - (4) The Committee will also coordinate with NYS Department of State (DOS) regarding consistency review for actions by State **or federal** agencies. Coordination shall include providing an informal opinion on the proposed action to DOS, at DOS's request, within 15 days of said request, regardless of any requirement for a local consistency decision.
 - (5) Prepare an annual report on progress achieved and problems encountered in implementing the LWRP, and recommend actions necessary for further implementation to the appropriate **Town Board/Village Board of Trustees/City Council**.

(6) Perform other functions regarding the waterfront revitalization area and direct such actions or projects as are necessary, or as the **Town Board/Village Board of Trustees/City Council** may deem appropriate, to implement the LWRP.

B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, the **Waterfront Advisory Committee/Planning Department** shall schedule at least semi-annually a LWRP coordinating council/assembly, including but not limited to representatives of the **Town Board/Village Board of Trustees/City Council**, **Planning Board, Zoning Board of Appeals, Waterfront Advisory Committee**, and such other departments or individuals charged with LWRP implementation.

V. **Waterfront Advisory Committee.**

** This is one option the Town/Village/City can use to assist in the implementation of the LWRP and this Local Consistency Review Law. The Community should choose whatever Committee, Department, Agency or position would best serve this function for the Town/Village/City.*

- A. A Committee is created and shall be hereafter known as the "Waterfront Advisory Committee of the **Town/Village/City** of _____". The Committee shall meet **monthly** and shall advise the **Town Board/Village Board of Trustees/City Council** on LWRP implementation and on policy, project and budget priorities, as well as on amendments to the LWRP. The Committee may also perform other functions regarding the waterfront revitalization area as the **Town Board/Village Board of Trustees/City Council** may assign to it from time to time.
- B. The **Town Board/Village Board of Trustees/City Council** is hereby authorized to appoint **five (5)** members to the Committee, all of whom shall be residents of the **Town/Village/City** of _____. Of the members of the Committee first appointed: one shall hold office for a term of one (1) year, one shall hold office for a term of two (2) years, one shall hold term for a term of three (3) years, one shall hold office for a term of four (4) years, and one shall hold office for a term of five (5) years from and after the expiration of the terms of their predecessors in office. Thereafter, all members shall be appointed for a term of five (5) years. Vacancies shall be filled by the **Town Board/Village Board of Trustees/City Council** by appointment for the unexpired term. Members may be removed by the **Town Board/Village Board of Trustees/City Council** for cause and after public hearing.
- C. The **Town Board/Village Board of Trustees/City Council** shall annually appoint one (1) committee member to serve as chairperson of the Committee. Upon failure of the **Town Board/Village Board of Trustees/City Council** to appoint a Chairperson, the members of the Committee shall elect a chairperson.
- D. The Committee may employ such member as may be needed, as authorized by the **Town Board/Village Board of Trustees/City Council**, and shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction.

VI. **Review of Actions.**

- A. Whenever a proposed action is located in the waterfront area, each **Town/Village/City** agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in section I. below. No action in the waterfront area shall be approved, funded or undertaken by an agency without such a determination.

- B. The Committee shall be responsible for coordinating review of actions in the **Town/Village/City's** waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations for other **Town/Village/City** agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program.
- C. The Committee will assist each agency with preliminary evaluation of actions in the waterfront area, and with preparation of a WAF. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the agency shall refer such application or direct action to the Committee, within ten (10) days of its receipt, for preparation of a WAF, a sample of which is appended to this local law.
- D. The Committee shall require the applicant to submit all completed applications, EAFs, and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. Such recommendation shall go to the agency within thirty (30) days of receipt of the completed information submitted by the applicant.
- E. If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the **Planning Director** shall designate the consistency review agency.
- F. Upon recommendation of the Committee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in section I. herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Committee. The agency shall render a written determination of consistency based on the WAF, the Committee recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action in the waterfront area without a determination of consistency. The designated agency will make the final determination of consistency.

The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Committee in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.

- G. Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the waterfront area until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section I. herein.

- H. In the event the Committee's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.
- I. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following summary of LWRP policies, which are derived from and further explained and described in the **Town/Village/City** of _____ LWRP, a copy of which is on file in the Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV-Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall be consistent with the policies to:

(Note: if the LWRP uses the 13 Long Island Sound policies this section will need to be revised accordingly)

- (1) Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses **(Policy 1)**.
- (2) Retain, develop and promote water-dependent uses and facilities on or adjacent to coastal waters **(Policy 2)**.
- (3) Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people **(Policy 3)**.
- (4) Strengthen the economic base of small harbor areas by encouraging traditional uses and activities **(Policy 4)**.
- (5) Ensure that development occurs where adequate public infrastructure is available **(Policy 5)**.
- (6) Streamline development permit procedures **(Policy 6)**.
- (7) Protect, preserve and, where practical, restore significant and locally important fish and wildlife habitats from human disruption and chemical contamination **(Policies 7, 8)**.
- (8) Expand recreational use of fish and wildlife resources by increasing access to existing resources, supplementing existing stocks, and developing new resources. **(Policy 9)**.
- (9) Maintain, promote and expand commercial fishing opportunities **(Policies 10)**.
- (10) Minimize flooding and erosion hazards through non-structural means, protecting natural protective features, construction of carefully-selected, long-term structural measures and appropriate siting of structures **(Policies 11, 12, 13, 14, 16, and 17)**.
- (11) Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner **(Policy 16)**.
- (12) Safeguard economic, social and environmental interests in the **waterfront** area when major actions are undertaken **(Policy 18)**.

- (13) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment and being compatible with adjoining uses (Policies 19 and 20).
 - (14) Encourage, facilitate and give priority to water-dependent and water-enhanced recreation (Policy 21).
 - (15) Encourage development, when located near the shore, to provide for water related recreation where compatible (Policy 22).
 - (16) Protect and restore historic and archeological resources (Policy 23).
 - (17) Prevent impairment to, protect, restore or enhance scenic resources (Policy 24, 25).
 - (18) Conserve and protect agricultural lands (Policy 26).
 - (19) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location and in such a manner as to avoid adverse impacts when in operation (Policies 27, 29 and 40).
 - (20) Undertake ice management practices in a manner that avoids adverse coastal impacts (Policy 28).
 - (21) Protect surface and groundwater from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 35, 36, 37 and 38).
 - (22) Ensure that dredging and dredge spoil disposal in a manner protective of natural resources (Policies 15 and 35).
 - (23) Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policies 8, 30, 36 and 39).
 - (24) Protect air quality (Policies 41, 42 and 43).
 - (25) Preserve and protect tidal and freshwater wetlands (Policy 44).
- J. If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- K. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

VII. Enforcement.

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector or any other authorized official of the Town/Village/City shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

VIII. Violations.

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a

conviction of a first offense and punishable by a fine of **one thousand dollars (\$1000.00)** for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

- B. The **Town/Village/City** Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

IX. Severability.

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

X. Effective Date.

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Town/Village/City of _____
Waterfront Assessment Form

A. INSTRUCTIONS

1. Applicants, or, in the case of direct actions, **Town/Village/City** agencies shall complete this Waterfront Assessment Form WAF for proposed actions which are subject to the LWRP Consistency Review Law. This assessment is intended to supplement other information used by a **Town/Village/City** agency in making a determination of consistency with the policy standards set forth in the LWRP Consistency Review Law.
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in the **Town/Village/City** of _____ Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the offices of the **[Town/Village/City]** Clerk. A proposed action should be evaluated as to its beneficial and adverse effects upon the waterfront area and its consistency with the policy standards.
3. If any question in Section C on this form is answered "yes", the proposed action may affect the achievement of the LWRP policy standards contained in the Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

- 1 Describe nature and extent of action:

2. Type of **Town/Village/City** agency action (check appropriate response):

- a. Directly undertaken (e.g. construction, planning activity, agency regulation, land transaction)

- b. Financial assistance (e.g. grant, loan, subsidy)

c. Permit, approval, license, certification

d. Agency undertaking action:

3. If an application for the proposed action has been filed with a **Town/Village/City**, the following information shall be provided:

a. Name of applicant

b. Mailing address:

c. Telephone number:

(____) _____

d. Property tax number:

e. Application number, if any:

4. Will the action be directly undertaken, require funding, or approval by a State or federal agency?

Yes _____ No _____

If yes, which State or federal agency? _____

1. Location of action (Street or Site Description and nearest intersection):

6. Size of site (acres): _____

7. Amount (acres) of site to be disturbed: _____

8. Present land use: _____

9. Present zoning classification: _____

10. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, other geological formations): _____

11. Percentage of site that contains slopes of 15% or greater: _____
12. Streams, lakes, ponds or wetlands existing within or continuous to the project area?
- (a) Name _____
- (b) Size (in acres) _____
13. Is the property serviced by public water? Yes _____ No _____
14. Is the property serviced by public sewer? Yes _____ No _____

C. WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions). If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

- | | | <u>YES</u> | <u>NO</u> |
|-----|---|------------|-----------|
| 1. | Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas found within the waterfront area as identified in the LWRP ? | ___ | ___ |
| (a) | Significant fish or wildlife habitats? | ___ | ___ |
| (b) | Scenic resources of local or State-wide significance? | ___ | ___ |
| (c) | Important agricultural lands? | ___ | ___ |
| (d) | Natural protective features in a coastal erosion hazard area? | ___ | ___ |
| 2. | Will the proposed action have a significant effect upon: | | |
| (a) | Scenic quality of the waterfront environment? | ___ | ___ |
| (b) | Development of future or existing water-dependent uses? | ___ | ___ |
| (c) | Operation of the State's major ports? | ___ | ___ |
| (d) | Land or water uses within a small harbor area? | ___ | ___ |
| (e) | Designated State or federal freshwater wetlands? | ___ | ___ |
| (f) | Commercial or recreational use of fish and wildlife resources? | ___ | ___ |
| (g) | Existing or potential public recreation opportunities? | ___ | ___ |
| (h) | Structures, sites or districts of historic, archaeological or cultural significance to the Town/Village/City , State or nation? | ___ | ___ |
| (i) | Stability of the shoreline? | ___ | ___ |
| (j) | Surface or groundwater quality? | ___ | ___ |
| 3. | Will the proposed action involve or result in any of the following: | | |
| (a) | Physical alteration of land along the shoreline, underwater land or surface waters? | ___ | ___ |

- | | | | |
|-----|---|-----|-----|
| (b) | Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area? | ___ | ___ |
| (c) | Expansion of existing public services or infrastructure in undeveloped or low-density areas of the waterfront area? | ___ | ___ |
| (d) | Siting or construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law? | ___ | ___ |
| (e) | Mining, excavation, filling or dredging in surface waters? | ___ | ___ |
| (f) | Reduction of existing or potential public access to, or along, the shoreline? | ___ | ___ |
| (g) | Sale or change in use of publicly-owned lands located on the shoreline or underwater? | ___ | ___ |
| (h) | Development within a designated flood or erosion hazard area? | ___ | ___ |
| (i) | Development on a beach, dune, bluff or other natural feature that provides protection against flooding or erosion? | ___ | ___ |
| (j) | Construction or reconstruction of erosion protective structures? | ___ | ___ |
| (k) | Diminished or degraded surface or groundwater quantity and/or quality? | ___ | ___ |
| (l) | Removal of ground cover from the site? | ___ | ___ |

- | | | | |
|-----|--|------------|-----------|
| 4. | PROJECT | <u>YES</u> | <u>NO</u> |
| (a) | If a project is to be located adjacent to shore: | | |
| (1) | Does the project require a waterfront location? | ___ | ___ |
| (2) | Will water-related recreation be provided? | ___ | ___ |
| (3) | Will public access to the foreshore be provided? | ___ | ___ |
| (4) | Will it eliminate or replace a water-dependent use? | ___ | ___ |
| (5) | Will it eliminate or replace a recreational or maritime use or resource? | ___ | ___ |
| (b) | Is the project site presently used by the community neighborhood as an open space or recreation area? | ___ | ___ |
| (c) | Will the project protect, maintain and/or increase the level and types or public access to water-related recreation resources or facilities? | ___ | ___ |
| (d) | Does the project presently offer or include scenic views or vistas that are known to be important to the community? | ___ | ___ |
| (e) | Is the project site presently used for commercial or recreational fishing or fish processing? | ___ | ___ |

- | | | | |
|-----|--|-----|-----|
| (f) | Will the surface area of any local creek corridors or wetland areas be increased or decreased by the proposal? | ___ | ___ |
| (g) | Is the project located in a flood prone area? | ___ | ___ |
| (h) | Is the project located in an area of high coastal erosion? | ___ | ___ |
| (i) | Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project? | ___ | ___ |
| (j) | Do essential public services or facilities presently exist at or near the site? | ___ | ___ |
| (k) | Will the project involve surface or subsurface liquid waste disposal? | ___ | ___ |
| (l) | Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? | ___ | ___ |
| (m) | Will the project involve shipment or storage of petroleum products? | ___ | ___ |
| (n) | Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into coastal waters? | ___ | ___ |
| (o) | Will the project involve or change existing ice management practices? | ___ | ___ |
| (n) | Will the project alter drainage flow, patterns or surface water runoff on or from the site? | ___ | ___ |
| (p) | Will best management practices be utilized to control storm water runoff into waterfront waters? | ___ | ___ |
| (q) | Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates? | ___ | ___ |
| (r) | Will the project affect any area designated as a tidal or freshwater wetland? | ___ | ___ |
| (s) | Will the project utilize or affect the quality or quantity of sole source or surface water supplies? | ___ | ___ |

D. **REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED "YES"** (Add any additional sheets necessary)

If you require assistance or further information in order to complete this form, please contact the **Town/Village/City Planning Department.**

Please submit completed form, along with one copy of a site/sketch plan to:

Town/Village/City

Preparer's Name (Please print) : _____

Affiliation: _____

Telephone Number: (_____) _____

Date: _____

Appendix 8: Project Profile Template

(Name of Municipality)

Project Title

PROJECT DESCRIPTION

Summary description of the project (should be 5-7 sentences in length).

PROJECT LOCATION

Street address of the project/initiative or area of coverage.

LOCATOR MAP

Include a Locator Map. Alternatively, include one map showing locations of all proposed projects.

CONCEPTUAL DESIGN OR OTHER GRAPHIC

For capital projects, insert a conceptual design or other graphic that illustrates the project or site.

LWRP POLICIES

List the LWRP Policies that the project/initiative addresses.

COST ESTIMATE FOR IMPLEMENTING THE PROJECT

If known, break down costs by categories (such as engineering and permitting, site preparation, facility construction, additional site furnishings). If available, include the anticipated costs to sustain the project or initiative.

POTENTIAL FUNDING SOURCES

List potential funding sources, including: CFA funds, other State funds, federal funds, municipality and private funds.

BENEFITS

Describe the benefit or co-benefits anticipated to be derived from the project.

TIMEFRAME

Include a general timeframe (for example 0-2 years, 2-5 years, 5+ years) and phasing (if applicable).

REGULATORY REQUIREMENTS

Identify reviews, approvals, and/or permits related to the project/initiative (local, State, federal), as applicable.

Appendix 9 Guidelines for Notification and Review of State Agency Actions; and Procedural Guidelines for Coordinating Consistency Review of Federal Agency Actions

Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (the Act) (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the affected local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The New York State Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

- A. **Action** means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. **Consistent to the maximum extent practicable** means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
 - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;

2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
 3. That will result in an overriding regional or statewide public benefit.
- C. **Local Waterfront Revitalization Program or LWRP** means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- D. **Municipal chief executive officer** is the City Mayor, or City Manager in cities where an appointed city manager is the administrative head of the city; the Village Mayor; or the Town Supervisor. The NYS DOS Local Government Handbook provides more information about who would be considered the chief executive officer under various municipal executive structures.¹
- E. **Local program coordinator** of a municipality with an approved LWRP could be a designated person or a Committee responsible for the preliminary review of proposed actions within the

¹ Excerpts from the NYS DOS Local Government Handbook 6th Edition (2009) related to chief executive officers:

- I. Cities: "In general, city government falls into four broad categories:
 - council-manager, under which an appointed professional manager is the administrative head of the city, the council is the policymaking body and the mayor, if the position exists, is mainly a ceremonial figure. The manager usually has the power to appoint and remove department heads and to prepare the budget, but does not have veto power over council actions;
 - strong mayor-council, under which an elective mayor is the chief executive and administrative head of the city, and the council is the policy making body. The mayor usually has the power to appoint and remove agency heads, with or without council confirmation; to prepare the budget; and to exercise broad veto powers over council actions. This form sometimes includes a professional administrator appointed by the mayor and is then called the "mayor-administrator plan;"
 - weak mayor-council, under which the mayor is mainly a ceremonial figure. The council is not only the policy making body, it also provides a committee form of administrative leadership. It appoints and removes agency heads and prepares budgets. There is generally no mayoral veto power; and
 - commission, under which commissioners are elected by the voters to administer the individual departments of the city government and together form the policy making body. In some cases one of the commissioners assumes the ceremonial duties of a mayor, on a rotating basis. This plan sometimes includes a professional manager or administrator." P. 53
- II. New York City: "The mayor serves as the chief executive officer of the city, and with the assistance of four deputy mayors, presides over many departments, offices, commissions and boards. The mayor may create, modify or abolish bureaus, divisions or positions within the city government. The mayor, who may be elected to serve a maximum of two four-year terms, is responsible for the budget and appoints and removes the heads of city agencies and other non-elected officials." P. 57
- III. Towns: "The supervisor is more of an administrator than an executive. The supervisor's duties under law are to: act as treasurer and have care and custody of monies belonging to the town; disburse monies; keep an accurate and complete account of all monies; make reports as required; pay fixed salaries and other claims; and lease, sell, and convey properties of the town, when so directed by the town board." and "By delegating a few more specific powers, the Suburban Town Law gives the supervisor a bit more authority. Although designated as "chief executive officer," however, the Suburban Town supervisor has no major new executive powers." P. 62
- IV. Villages: "The chief executive officer of most villages in New York State is the mayor." P. 70

waterfront area for consistency with an approved LWRP and consistency recommendations for the final determination of consistency that will be made by the local government.

III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II.DEFINITIONS, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
 - 1. Shall fully describe the nature and location of the action;
 - 2. Shall be accomplished by use of existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government; and
 - 3. Should be provided to the local official identified in the LWRP of the affected local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. The timely filing of a copy of a completed Coastal/Waterfront Assessment Form with the municipal chief executive officer should be considered adequate notification of a proposed action.
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the municipal chief executive officer can serve as the state agency's notification to the affected local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the affected local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local program coordinator identified in the LWRP, the state agency should promptly provide the affected local government with whatever additional information is available which will assist the affected local government to evaluate the proposed action.
- B. If the affected local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the affected local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the affected local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. RESOLUTION OF CONFLICTS shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:

1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local program coordinator to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
2. If the discussion between the local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
3. If the consultation between the local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within 30 days following the receipt of a request for assistance, the Secretary, or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

Procedural Guidelines for Coordinating NYS Department of State (DOS) and LWRP Consistency Review of Federal Agency Actions

I. DIRECT FEDERAL AGENCY ACTIVITIES

- A. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed federal activities to the program coordinator and other interested parties.
- B. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed federal activity.
- C. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- D. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed federal activity.
- E. A copy of DOS' "concurrence" or "objection" letter to the federal agency will be forwarded to the local program coordinator.

II. ACTIVITIES REQUIRING FEDERAL LICENSES, PERMITS AND OTHER REGULATORY APPROVALS

- A. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the local program coordinator and will identify the Department's principal reviewer for the proposed federal activity.
- B. Within thirty (30) days of receiving such information, the local program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed federal activity with the LWRP policies.
- C. When DOS and the local program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the local program coordinator upon receipt.
- D. Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed federal activity with the principal reviewer for DOS, whichever is later, the local program coordinator will notify DOS of the reasons why a proposed federal activity may be inconsistent or consistent with the LWRP policies.

- E. After the notification, the local program coordinator will submit the municipality's written comments and recommendations on a proposed federal activity to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- F. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed federal activity, DOS will contact the local program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- G. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the local program coordinator.

III. FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

- A. Upon receiving notification of a proposed federal financial assistance, DOS will request information on the federal financial assistance from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the local program coordinator. A copy of this letter will be forwarded to the local program coordinator and will serve as notification that the proposed federal financial assistance may be subject to review.
- B. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the local program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
- C. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major federal financial assistance.
- D. The local program coordinator must submit the municipality's comments and recommendations on the proposed federal financial assistance to DOS within twenty days (or other time agreed to by DOS and the local program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal financial assistance with the LWRP policies.
- E. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the local program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- F. A copy of DOS' consistency decision letter to the applicant will be forwarded to the local program coordinator.

Appendix 10

TABLE XV.A-2: LOCAL LAWS IMPLEMENTING COASTAL POLICIES

#	CATEGORY	IMPLEMENTING LEGISLATION
1 2 3 4 5 6	Development Policies	§22 Conservation Easements; §53 Building Construction; §75 SEQR; §79 Farmland Preservation; §103 Nature Preserve; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §118 Right to Farm; §131 Subdivision; §153 Zoning code, including §153-3-70 et al, Harbor Protection Overlay District, §153-4 Protection of Natural Features, §153-3-40 et al, Flood Hazard Overlay District, §153-5 Special Permit Uses, §153-6 Site Plan Review, §153-12 Use District Zoning Maps, §153-11-10 Use Tables, §153-11-88, Ferry Terminal, §149 Waterways & Boats
7 8 9 10	Fish & Wildlife Policies	§22 Conservation Easements; §43 Beaches and Parks, §43-40 Hunting on Town Parklands; §75 SEQR; §77-8 Dredging; §53 Building Construction; §103 Nature Preserve; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §125 Shellfish; §131 Subdivision; §149 Waterways & Boats, especially §149-30.1 Placement of fish traps; §153 Zoning, particularly §153-4, Protection of Natural Features, and §153-4.95(A) Use exemption for fishing, shellfishing, hunting and trapping; Town Trustee regulations; Solid Waste Management Plan
11 12 13 14 15 16 17	Flooding & Erosion Policies	§22 Conservation Easements; §43 Beaches and Parks, particularly §43-4 Prohibited Conduct, §43-5 Vehicles on the beach, §43-12 Temporary Closure; §53 Building Construction; §75 SEQR; §77-8 Dredging; §104 Natural Resources; §105 Planning; §131 Subdivision, especially §131-1.04 (cf. §153-1-20) Lot Area definitions, §131-1.05 General Policies; §153 Zoning, particularly §153-4 Protection of Natural Resources, §153-4-20 Natural Resource Special Permit, §153-4-20 (E) Bluff setbacks, §153-4-25 Emergency and minor maintenance, §153-4-30 Setbacks, §153-3-40 Flood Hazard Overlay District, §153-5-50 Coastal structure standards, §153-4-85 ref Town Trustee regulations for coastal structures
18	General Policy	§43 Beaches and Parks; §75 SEQR; §153 Zoning, especially §153-4 Protection of Natural Features; Solid Waste Management Plan

#	CATEGORY	IMPLEMENTING LEGISLATION
19 20	Public Access Policies	§22 Conservation Easements; §43 Beaches and Parks; §75 SEQR; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §131 Subdivision; §146-6 Parking Permit; §153 Zoning, particularly §153-4 Protection of Natural Features; Town Trustee regulations
21 22	Recreation Policies	§43 Beaches and Parks, §43-5 Vehicles on the beach; §75 SEQR; §77-8 Dredging; §103 Nature Preserves; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §125 Shellfish; §131 Subdivision; §146-6 Parking Permit; §147 All terrain vehicles; §149 Waterways and Boats; §153 Zoning, particularly §153-4 Protection of Natural Features; Town Trustee regulations
23 24 25	Historic Resource and Visual Quality Policies	Townwide regulations needed to protect scenic, cultural and historic features and buildings. Current laws include: §22 Conservation Easements; §75 SEQR; §110 Open Space; §131 Subdivision; §153 Zoning, particularly §153-7 Architectural and design review
26	Agricultural Lands Policy	§75 SEQR; §79 Farmland Preservation; §118 Right to Farm; §131 Subdivision; §153 Zoning; legislation needed to require mandatory farmland preservation in site plans within Agricultural Overlay District, and to consider farmland preservation in all site plans
27 28 29	Energy & Ice Management Policies	§75 SEQR; §151 Wind Energy Conversion Systems; §153-5-50 Public Utility; §153-6 Site Plan Review; §153-12 Uses and Dimensions; §153-11-72 Height
30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	Water & Air Resources Policies	§22 Conservation Easements; §53 Building Construction; §75 SEQR; §77-8 Dredging; §104 Natural Resources; §105 Planning; §110 Open Space Preservation; §123 Scavenger waste; §125 Shellfish; §131 Subdivision; §149 Waterways and boats, particularly §149-2 Prohibited discharges and §149-34 Prohibition on floating homes; §153 Zoning, particularly §153-3-40 Flood Hazard Overlay District, §153-3-65 Water Recharge Overlay District, §153-3-70 Harbor Protection Overlay District, §153-4-20 Natural Resource Special Permits, §153-4-20(A) Wetland setbacks, and §153-6 Site plan review; Town Trustee regulations for structures, docks and mooring of boats on beaches and bottomlands in their ownership; Solid Waste Management Plan, including Stop Throwing Out Pollutants (STOP) program

APPENDIX C

OAK MITSUI SITE - CONCEPTUAL MAP

