

## Section III - Waterfront Revitalization Policies

An integral part of the Local Waterfront Revitalization Program is the adaptation of the State-established waterfront policies by the local communities. This allows communities, like Binghamton, to identify their own waterfront issues and utilize local approaches to address them. Once the LWRP is accepted by the Department of State, the local policies possess the legal authority for any activity occurring within the designated LWRP boundary.

The policies identified below for the City of Binghamton are consistent with those established by the New York Department of State, yet they are specifically tailored to meet the specific needs and characteristics of the City. The policies have been developed in accordance with input obtained through meetings with local officials, the LWRP Steering Committee and interested citizens and organizations. Background documents, including the recently completed City of Binghamton Comprehensive Plan and Future Zoning map were also reviewed and considered in the development of the LWRP policies.

Policy standards are provided for each Department of State designated policy to further explain the general policy. They provide standards by which the local, state and federal government can better determine if the overall LWRP policies are being adequately addressed and met within the community.

### General Policy

**Policy 1      Foster a pattern of development in the riverfront 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.**

The dominance of waterfront features in the City of Binghamton and the rivers' vitality is a critical component of the future character and development of the area. The character of the waterfront revitalization area is currently defined by commercial and residential development, interspersed with open and green spaces. The City's commercial enclaves, as well as the traditional central business district, are included in the waterfront revitalization area boundaries. New development in the City has been limited, as a large portion of new commercial and residential growth has taken place in adjoining "suburban" communities. Infrastructure (roads, water, and sewer) has made this outlying development easy to accommodate.

The revitalization of waterfront areas is one of the most effective means of encouraging economic growth and rejuvenating residential and commercial districts in the City. The longstanding planning goals of the City of Binghamton are to increase the utilization of the waterfront and promote economic development in order to improve the overall quality of life for Binghamton residents and visitors. The future zoning map, as proposed in the City of Binghamton's Comprehensive Plan, identifies specific areas of the City, namely along Main Street, in the existing CBD and along portions of both rivers for future commercial development and economic growth, with residential development focused to the more outlying areas. Inherent in these goals is the preservation of the region's abundant natural resources, while allowing for additional commercial and residential growth.

The City of Binghamton LWRP policies seek to advance these longstanding planning goals and to further the shared vision of the areas future. The policies are designed to foster a development pattern that provides for:

- the beneficial use of waterfront areas:
- enhances existing recreation, open space and natural areas;
- encourages water dependent uses; minimizes potential adverse impacts associated with further development; and
- protects stable residential areas.

Development that does not reinforce the traditional land use pattern within the City would result in the loss of their landscape and overall community character.

## **Policy Standards**

**Policy 1.1    Ensure that development or uses make beneficial use of their waterfront location and concentrate future developments to appropriate waterfront sites in order to revitalize deteriorated and underutilized waterfront sites and strengthen the overall waterfront focus of the City of Binghamton.**

Although the City of Binghamton is situated directly on two rivers, it has limited potential for future development and redevelopment directly along the water's edge. Due to the fact that water-based uses are limited, it is important that the City encourage development and redevelopment that is appropriate for a waterfront location and is properly sited, designed and oriented towards the water. If the development is not directly adjacent to the water, it should have strong pedestrian

connections that expand upon the current pedestrian circulation system and easily link residents and visitors to the various activities and facilities located on the waterfront.

Existing water-dependent and water-enhanced uses that are currently situated along the water's edge will be protected and allowed to fully continue functioning as access to the water is an integral part of these uses. New development directly at the water's edge which is not dependent on a waterfront location or which cannot make beneficial use of a waterfront location should be avoided. Any new development, particularly large-scale projects and activities, should be located where infrastructure is adequate to support the proposed development or could be easily upgraded to service the new development. New development, and particularly redevelopment efforts, should be focused in the Central Business District where the necessary public infrastructure is already in place. The revitalization of the downtown should be viewed as integral to the sustainability of future waterfront development.

Uses should be avoided that would result in a loss of waterfront resources, ignore the waterfront setting as indicated in design and orientation or that do not derive economic benefit from a waterfront location. A development pattern that avoids environmentally sensitive areas exhibiting poor drainage, high erosion hazard, extreme flood hazards, sensitive riverbank features and a high scenic and aesthetic quality should be promoted.

To accommodate new waterfront development in an orderly manner and foster a safe, convenient atmosphere, the issue of access and parking should be addressed for a variety of vehicle types, including bicycles. The City of Binghamton will review their local land use regulations to ensure that provisions for parking within close proximity to the waterfront are made.

Regulations should be determined regarding the specific number of spaces that are required for various new uses that may begin to emerge in the waterfront revitalization area, such as a community gathering area, mixed-use development nodes and expanded recreation and open space facilities. Specific parking requirements are outlined in the City of Binghamton Zoning Code, Section 1005, and should be reviewed for their applicability to the waterfront revitalization area when the City of Binghamton undertakes the process of updating their Zoning Code. For uses proposed within the waterfront revitalization area, parking requirements are currently determined to be as follows:

Dwelling, one-unit	2 spaces
Dwelling, two-unit	4 spaces
Dwelling, multiple unit	2 spaces

Recreation facility	1 space for each three occupants based on maximum capacity
Theater	1 space for each four seats
Restaurant	1 space for each 100 s/f
Hotel and motel	1.5 spaces per room
General Retail	1 space for each 250 s/f of gross floor area
Professional Office	1 space per 300 s/f

Parking requirements and standards should be revised and reviewed based on the implementation of proposed projects within the waterfront revitalization area.

Incentives should be offered to develop shared parking facilities to ensure minimal impact to the aesthetic quality of the waterfront and to promote efficient use of land and resources. Bicycle parking facilities for both long-term (bike lockers) and short-term (bike racks) should be considered at appropriate locations. The City should provide a reduction in the number of required off-street parking spaces for uses that provide bicycle parking or that make special provisions to accommodate bicyclists. Consideration of the seasonal nature of bicycle use should be given in approving this reduction.

**Policy 1.2 Protect stable residential areas from deterioration and incompatible uses, while providing additional housing options.**

Residential areas along the Chenango and Susquehanna Rivers are generally stable and range from older housing to renovated housing and new construction, and are generally located within specific, concentrated areas. One fully developed residential area within the waterfront revitalization area boundaries is located on the south side of Riverside Drive between the northern banks of the Susquehanna River. This residential area consists of larger scale homes, with construction dates ranging from the late 1800's to the present. This is one of the most stable, successful residential neighborhoods within the City.

A second residential neighborhood within the LWRP waterfront revitalization area is located directly east of the Central Business District, bordered by Carroll Street to the west, Henry Street to the north and the Susquehanna River to the east and south. Additional residential pockets are located in northern Binghamton along Chenango Street and on the east side of the City between Conklin Avenue and the Susquehanna River.

The predominant type of housing in all of these neighborhoods is single-family residential and are not subject to any foreseeable changes in market conditions or factors which would significantly alter the existing character.

In protecting viable residential areas, the existing housing stock should be preserved and opportunities provided for the development of a variety of housing types to meet the needs of a variety of people. New development located in or adjacent to existing residential areas should be compatible with existing neighborhood characters. Whenever practical, infill techniques should be used to integrate affordable housing in existing neighborhoods, on existing lots.

Binghamton, in a joint effort with Cornell University – College of Environmental Science and Forestry and local neighborhood groups working on behalf of neighborhoods in the northern area of the City, are currently involved in a planning endeavor aimed at improving various elements of the north side neighborhoods.

Today the north side neighborhoods are characterized by deteriorating residential properties, under-utilized commercial properties and conflicting highway patterns. The planning process currently being undertaken is focused on creating programming and development scenarios that would re-establish the residential quality and conditions in the area redevelop Binghamton Plaza as a commercial destination and enhance amenities at Cheri A. Lindsey Park for residents and visitors. The focus rests primarily on strengthening the existing stable residential neighborhoods, with the expectation that improvements in the commercial base would be a logical and natural, market-driven outcome.

New large-scale uses that have a large amount of parking, noise and garbage associated with them should be avoided in stable residential areas. Where appropriately scaled commercial development is allowed to occur only if provisions are made to reduce impacts on adjacent neighborhoods, including screening, light and noise reduction.

**Policy 1.3 Ensure that development or land uses take appropriate advantage of their riverfront location.**

There is only a limited amount of waterfront land in the City of Binghamton suitable for further development purposes. Allowing only market forces to determine the future, long-term use of these lands will not be enough to ensure an attractive, publicly accessible waterfront in the City. This policy seeks to provide a measure of control to future waterfront uses in the region by devoting these lands to uses that are water-dependent or water-enhanced. It is important that the City encourage development and redevelopment that is appropriate for a waterfront location and is properly sited, designed and oriented towards the water. If the development is not directly adjacent to

the water, it should have strong pedestrian connections that expand upon the current pedestrian circulation system and easily link residents and visitors to the various activities and facilities located on the waterfront.

Water-dependent uses are defined by the Department of State as those “activities that require a location, in, on, over or adjacent to the water because the activities require direct access to water, and the use of water is an integral part of the activity”. Water-enhanced uses are also defined by the State as those “activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water’s edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature”.

There are currently a limited variety of opportunities available for residents and visitors to enjoy the Chenango and Susquehanna Rivers and water-enhanced uses, as opposed to water-dependent uses, account for the majority of current land uses along the river’s edges. The role the rivers played in the history of the area and their current potentials could fuel future tourism efforts throughout the City, and the region. Maintaining and enhancing the water-dependent and water-enhanced uses along the riverbanks is recognized as integral to the future vision of the City. Existing water-dependent and water-enhanced uses that are currently situated along the water’s edge should be protected and allowed to fully continue functioning as access to the water is an integral part of these uses. New development directly at the water’s edge which is not dependent on a waterfront location or which cannot make beneficial use of a waterfront location should be avoided.

The lands along the Chenango River should be developed as an “urban waterfront” with urban characteristics, such as defined boardwalks, railings, benches, lighting and hard-edge amenities which are consistent with the existing character of the Chenango riverfront. Lands along the Susquehanna riverfront should be developed as a “natural waterfront”, consistent with existing conditions. Amenities would include natural trails, wooded lots and naturalized open space areas. Cheri A. Lindsey Park, Sandy Beach Park, Confluence Park and existing boat launch areas should be further promoted as the most suitable locations for water-dependent uses within the City of Binghamton.

**Policy 1.4 Maintain and enhance natural areas and open space land.**

Natural areas and open space lands in the City of Binghamton produce immeasurable public benefits. In addition to the aesthetic and recreational contributions that these lands supply, they also support wildlife, providing habitats for birds, fish and other wild animals. In addition, the rivers provide a water source for the region and contribute to the overall economy of the area.

The loss of economic, environmental and aesthetic values of important natural and open space lands within the City of Binghamton should be avoided. Protect and maintain the natural resource values of the City of Binghamton, including open water, creeks, woodlands, beaches and the diversity of wildlife and fish resources to the maximum extent possible. Whenever possible, avoid expanding infrastructure and services which would promote conversion of these lands to other uses. The natural areas and open spaces that should be maintained to the greatest extent possible include all public park and recreation areas within the waterfront revitalization area and the natural riverbank characteristics along both banks of the Susquehanna River. Trail development in this area should preserve, to the greatest extent possible, the natural character of the riverbanks and not encroach on the habitats of any natural resources or wildlife.

**Policy 1.5 Maintain and enhance park and recreation lands in the City.**

Parks and recreation lands in the City of Binghamton produce immeasurable public benefits. These lands supply residents and visitors with active and passive recreation opportunities and improve the overall quality-of life experience. The City should promote park and recreation lands for the purpose of supplying residents and visitors with active and passive recreation opportunities that improve the overall quality-of life experience and provide additional recreation oriented activities within the City. Apart from minimal shoreline trails, park and recreation use of the waterfront is currently quite limited in the City due to flood control features and walls.

**Policy 1.6 Minimize potential adverse land use, environmental and economic impacts that would result from proposed developments.**

To enhance community character and maintain and improve the quality of the natural and man-made environments of the community, any potential adverse impacts on existing development, the natural environment and the economy must be addressed and mitigated. All local (zoning and site plan review), state and federal review processes should be strictly administered and enforced in an effort to ensure the protection of the City of Binghamton community, including the adherence of all requirements of the State Environmental Quality Review Act (SEQRA).

All new uses within the City of Binghamton LWRP boundaries should relate to the unique qualities associated with a waterfront location and match existing site characteristics, limit disturbance to land and water and foster visual compatibility with surrounding areas. All potential projects shall be reviewed and this review shall take into account the economic, social and environmental interests of the City. All development shall take place in a manner that preserves community character,

environmental quality, open space, natural resources and existing water-dependent uses. Existing developments should consider alterations that promote the redesign and configuration of these uses to make better use of their waterfront location, with façade openings on the waterside.

## **Economic Development Policies**

### **Policy 2 Protect Binghamton’s water-dependent uses and promote siting of new water-dependent uses in suitable locations.**

As described in further detail in Section 2.6 of Chapter 2.0 – Inventory and Analysis, the Chenango and Susquehanna Rivers are generally not navigable, due to the shallow depth of the water in both rivers. As such, water uses are confined to small watercraft, such as paddleboats, canoes and rowboats, resulting in a limited amount of activity within the waterways. In addition, public access to the rivers is further constrained by a system of flood control walls and features that have been constructed along the shorelines. Due to the restricted amount of water use activity that exists in the Chenango and Susquehanna Rivers, a Harbor Management element of the Local Waterfront Revitalization Program is not necessary.

Existing water-dependent uses in the City of Binghamton include a number of small, underutilized boat launches and recreational fishing facilities. The continued enhancement of these limited uses is desirable to preserve and promote the City’s character and economic well being. Actions that would adversely impact or interfere with these and other water-dependent uses should be avoided.

Many water-dependent uses are often supported by, and integrated with, non- water-dependent uses that are complementary and supportive to the water- dependent use and do not impair the functioning of the water-dependent use. In many cases, these support uses are considered water-enhanced uses. The water-enhanced uses often provide beneficial support to the primary use, as well as an additional convenience to waterfront users.

Sub-policies and policy standards for the siting of water-dependent and non- water-dependent uses are established below.

### **Policy Standards**

#### **Policy 2.1 Protect existing water-dependent uses located near or adjacent to the Chenango and Susquehanna Rivers.**



As new developments are considered along the Chenango and Susquehanna Rivers, the impacts of the development on existing water-dependent uses should be considered. Actions that would adversely impact or interfere with these existing uses should be avoided. Existing uses within the City of Binghamton include all identified boat launches and recreational fishing facilities.

In specific cases, non-water dependent uses on waterfront lands may be allowed provided that one or more of the following criteria are met: the use is an accessory use to a water-dependent use and contributes to the sustainment of the water-dependent use, the use accentuates the water-dependent use and is accompanied by a demonstrable commitment to continue operation of a water-dependent use, the use is sited and operated so as not to interfere with the principal operation of the site of a water-dependent use or the use does not preclude future expansion of a water-dependent use.

**Policy 2.2 Promote the siting of new water-dependent uses at suitable locations along the Chenango and Susquehanna riverfronts.**

New water-dependent uses proposed for the City's riverfront areas have a varied choice of possible sites due to the large expanse of waterfront in the area. Careful review of each individual project is required to ensure the development does not adversely impact the natural environment, existing community character or scenic or aesthetic resources.

The City should seek to attract a mix of unique, water-based businesses and attractions that increase the activity at appropriate sites along the waterfront while not harming the existing natural riverfront character. Uses that are not directly water-dependent or water-enhanced should be avoided in these locations but relocated in an area near these waterfront lands.

The development and redevelopment of new and existing waterfront parks, such as Sandy Beach, Confluence Park and Cheri A. Lindsey Park, should include public open space, such as green space, recreation facilities or water-dependent uses, such as a boat launch or marina. The preservation and enhancement of the City of Binghamton's waterfront as an anchor for regional wide resident and visitor amenities should be encouraged. The City could build upon existing waterfront tourism measures, such as the New York State Heritage Trail – Revolutionary War program, to promote its history, amenities and to further City wide economic development.

**Policy 2.3 Allow water-enhanced uses that complement or improve the viability of water-dependent uses.**

Water-enhanced uses are those activities that do not require a location on the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Acceptable water-enhanced uses are generally of a recreational, cultural, commercial or retail nature. Along the City of Binghamton waterfront, acceptable water-enhanced uses may include waterfront trails, open space areas for passive recreation activities, commercial uses oriented to the water, restaurants which make use of their waterfront views and active recreation facilities. The waterfront should be both visibly and physically connected to the City's central business district in order to promote the economic development of both areas.

The following criteria shall be considered when determining if a water-enhanced use is appropriate along the waterfront:

- the use would provide an economic incentive to prevent the loss of a water-dependent use,
- the use would be sited and operated so that it does not interfere with water-dependent uses, or
- the use would be sited in a manner that, as far as can be determined, does not preclude future expansion of a water-dependent use.

**Policy 2.4 Promote the efficient management of surface waters and underwater lands within the City of Binghamton.**

To effectively administer this policy, the City of Binghamton shall adopt suitable planning techniques for water uses, as outlined in Chapter 6.0: Techniques for Local Implementation. A number of techniques, known as water surface laws, could be implemented to reduce any potential conflicts between activities and uses in the rivers, such as water use zones. Due to limited use of the rivers for navigation and recreational purposes, potential conflicts are minimal, but should still be addressed.

**Policy 3 Protect agricultural lands.**

The intent of this policy, as stated by the Department of State, is to conserve and protect agricultural land by preventing the conversion of farmland to other uses and protect existing and potential agricultural production.

For the purposes of this policy, agricultural lands are lands included in agricultural districts as created under Article 25 – AA of the Agricultural and Markets Law; lands comprised of soils classified in soil groups 1, 2, 3 or 4 according to the NYS Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

This policy does not directly apply to the City of Binghamton, as there are no agricultural lands within the LWRP waterfront revitalization area boundaries, or within the City limits.

**Policy 4      Promote sustainable use of fish and wildlife resources.**

Continued use of the City’s living marine resources depends on maintaining the long-term health and abundance of fisheries resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires the active management of fisheries, protection and conservation of habitats and maintenance of water quality at a level that will foster occurrence and abundance of living marine resources. Allocation and use of the available resources must be consistent with the restoration and maintenance of healthy stocks and habitats. They must also maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for recreational fishing.

Activities that might have a significant adverse impact on fish or wildlife populations should not be undertaken. The sub-policies and policy standards below expand upon these objectives.

**Policy Standards**

**Policy 4.1      Ensure the long-term maintenance and health of the living marine resources in the waters of the City of Binghamton.**

Any project that permanently or significantly creates increased sedimentation, erosion or toxic discharge into the river should not be undertaken in order to ensure the long-term maintenance of living resources in the Chenango and Susquehanna Rivers.

The City of Binghamton, in an effort to ensure the recreational use of living marine resources, should manage these resources in a manner that places primary importance on maintaining the long-term health and abundance of fisheries, results in sustained usable abundance and diversity of marine resources, does not interfere with population and habitat maintenance and restoration efforts and takes advantage of the best available scientific information in managing the resources.

**Policy 4.2      Provide for recreational fishing use of the City of Binghamton’s waters.**

Recreational fishing opportunities should be protected and expanded within the City of Binghamton. Direct public use of marine resources provides recreational experiences and economic benefits that could play an integral role in the future identity of the City. The City should expand existing infrastructure needed to meet these recreational needs, including additional boat launches, fishing piers and docks. There is currently no commercial fishing activity occurring in the Chenango or Susquehanna Rivers within the City limits of Binghamton.

Recreational uses of fish and wildlife resources include not only consumptive uses, such as fishing and hunting, but also such non-consumptive uses as wildlife photography, bird watching and nature study. Walkways and trails along the riverbanks support these types of activities. The City may also consider designating specific locations that would educate visitors as to the common types of wildlife found in these portions of the Chenango and Susquehanna Rivers. This would be an important tool in educating the general public of the importance of the natural world and diversity of the natural environment in their own community.

The City should also work to protect and manage native stocks and restore sustainable populations of indigenous fish and wildlife species and other living marine resources. The protection of native stocks includes protecting the genetic integrity of recognizable native populations that can be placed at risk by inappropriate stocking. Native stocks also need to be protected from adverse impacts due to introduction of non-indigenous species.

## **Waterfront Natural Resources Policies**

**Policy 5      Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.**

Significant Fish and Wildlife Habitats, identified by the State Department of Environmental Conservation as critical to the maintenance or re-establishment of species of fish and wildlife in the waterfront area and designated by the Secretary of State, must be protected for the habitat values they provide and to avoid permanent adverse changes to the local ecosystem.

### **Policy Standards**

**Policy 5.1    Protect and restore significant fish and wildlife habitats in the City of Binghamton.**

As stated under Policy 4, all projects that take place along the riverfronts must be developed in a manner that ensures the protection of fish and wildlife resources. When individual projects are reviewed, potential impacts on fish and wildlife habitats should be considered. No significant fish and wildlife habitats have been designated within the City of Binghamton LWRP waterfront revitalization area boundaries. Should any significant habitats be identified and designated, the City should take every necessary step to ensure their long-term protection and promote their restoration. Identified or designated.

In the review process for future development, the following should be considered as appropriate: avoidance of activities that would destroy or impair the value of habitats through direct physical alteration, disturbance or pollution, or indirectly affect the loss of habitat, avoidance of ecologically sensitive areas when siting new development, schedule development or other activities to avoid vulnerable periods in life cycles of habitats and encouragement of project designs that will result in the least amount of potential adverse impact on habitats.

**Policy 5.2 Ensure land use or development does not harm freshwater wetlands or wooded areas.**

Wetlands in the City of Binghamton provide benefits to the natural environment as well as to the people living there: habitats for fish and wildlife, erosion and flood control, natural pollution treatment, groundwater protection and aesthetic open space. There are no significant wetlands in the City of Binghamton identified by criteria set forth in the Freshwater Wetlands Act. However, as determined by criteria set forth by the US Army Corps of Engineers, wetlands in the City include the entire length of the Chenango and Susquehanna Rivers, as well as all land bodies located within the Susquehanna River. When new developments are considered, State and federal wetland maps should be consulted to ensure these areas are not adversely affected. This information should be made available, for public review, to the communities for display in local government offices.

New developments affecting, or potentially affecting wetland areas within the waterfront revitalization area would be subject to all federal regulations under Section 404 of the Clean Water Act. Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or filled material into wetlands within the United States. When applying for a permit for a development, Section 404 requires that steps be taken to avoid wetland impacts where practicable, potential impacts to wetlands must be minimized and compensation must be provided for any remaining, unavoidable impacts through activities to restore or create wetlands. The Army Corps of Engineers is the primary agency responsible for administering Section 404, with assistance from the Environmental Protection Agency.

Wooded tracts of land make up a considerable portion of land within the LWRP waterfront revitalization area, most notable along the southern riverbanks of the Susquehanna River. These areas are important to maintain, as they contribute to the natural ecosystem of the region, function in the role of habitat preservation and provide beauty to the overall landscape of the City.

**Policy 6      Protect and improve water resources.**

The purpose of this policy is to protect the quality and quantity of water resources in the City of Binghamton. Factors that affect water quality include both point and non-point source pollution. The quantity of water resources in the region is measured by the maintenance of an adequate supply of potable water for private and public use.

The entire LWRP waterfront revitalization area is part of the Susquehanna River watershed. Activities that take place within the LWRP waterfront revitalization area of Binghamton can directly impact the entire watershed area. Taking this into consideration, the City proposes the following sub-policies and policy standards as related to Policy 6.

**Policy Standards**

**Policy 6.1      Prohibit discharges in the City of Binghamton that would harm water quality.**

This sub-policy focuses on discharges into the Susquehanna and Chenango Rivers that have an identifiable source, known as a point-source discharge. In order to minimize discharges from point-source uses, the City should undertake periodic monitoring of the Chenango and Susquehanna Rivers to identify unwanted discharges at the earliest possible stage.

For all future waterfront developments that may act as a point-source discharge use, the city should assess the method of pollutant discharge for each proposed projects and make project approval contingent on satisfactorily meeting local standards.

**Policy 6.2      Minimize non-point pollution of waters within the City of Binghamton and manage activities causing non-point pollution.**

Non-point pollution is pollution that originates from sources that are not localized or easily identifiable. Non-point source pollution is created when rain, snowmelt and other water sources run over the land, picking up pollutants and transporting them to local water bodies. The City of Binghamton's water quality is most affected by non-

point pollutants, including storm water runoff. The City should identify non-point pollution sources and focus on reducing and removing these sources.

Non-point pollution includes run-off from urban areas, where every individual contributes to the problem simply by performing everyday activities. This is one source of non-point pollution in the City of Binghamton. The City should inform residents of the repercussions of their careless behavior on the environment and inform them of how they may be able to change their behavior. Simple lifestyle changes can help prevent and minimize non-point source pollution in the environment. The following habits, if adopted by local residents and visitors, would aid in the reduction of non-point pollution in the City of Binghamton:

- Proper disposal of household products containing toxic ingredients
- Regular maintenance of household septic systems
- Return of used car oil to local service stations or recycling centers
- Use of fertilizers and pesticides sparingly
- Avoid littering

Limiting non-point sources of pollution is the best way to avoid any future non-point pollution. In addition to the efforts defined above, this can be done in the community by:

- Reducing pollutant loads to water sources by managing unavoidable non-point sources of pollution and use appropriate best management practices as defined in federal non-point source control programs
- Ensuring the total suspended solids in runoff at development sites remain at predevelopment levels
- Prevent increased erosion or velocity of storm water runoff
- Minimizing the runoff of contaminants from roads into waterfront areas
- Prohibiting direct and indirect discharges of refuse into the Rivers
- Removing and disposing of litter from surface waters and riverbanks

Development projects and any activity located near the water may also be responsible for non-point pollution. At the federal level, non-point source pollution is controlled by amendments to the 1987 Clean Water Act and the Coastal Non-Point Pollution Program. The City should consult these documents to integrate pollution prevention and pollution reduction initiatives into local planning documents and strategies.

**Policy 7      Minimize loss of life, structures, and natural resources from flooding and erosion.**

In response to existing erosion and flood hazards, the City of Binghamton has constructed flood control features, including flood control walls and dikes, along a majority of the City’s riverfront. The City has experienced flooding of the Chenango and Susquehanna Rivers at various times throughout history and a number of these floods have been severe, causing extensive property damage and hardships for residents and business owners.

Flood control features may contribute to increased erosion, aesthetic impairments, the loss of public recreational resources, loss of natural habitats and water quality degradation. The cumulative impact of these structures can be large and must be considered in the future design and programming for waterfront areas within the City. Although the majority of Binghamton’s riverbanks have some form of flood control feature, there are stretches that remain in their natural state. The natural shoreline has an inherent natural, social and economic value that should be respected to ensure continuing benefits to the City, region and state.

Sub-policies and policy standards pertaining to Policy 7 are outlined below.

**Policy Standards**

**Policy 7.1      Minimize losses of human life and structures from flooding and erosion hazards through appropriate management measures.**

This policy is applicable to all flood hazard areas identified by the Federal Emergency Management Agency. A significant portion of the LWRP boundary area is located in the City’s 100 and 500-year Flood Hazard Boundary. In order to minimize the potential adverse effects of flooding, the City should, to the greatest extent possible, locate development and structures away from areas of known flooding and erosion hazards and avoid development other than water-dependent uses in flood hazard areas. In addition, non-water related uses should be located as far inland as practicable from identified flood hazard areas.

In locations that do not currently have flood control features in place, vegetative, non-structural measures should, to the greatest extent possible, be utilized to manage flooding and erosion hazards. Vegetative, non-structural measures that have a reasonable probability of managing flooding and erosion, based on riverbank characteristics including exposure, geometry and sediment composition should be constructed in order to increase the protective capabilities of natural protective



features. Hard structural erosion protection measures for erosion control should be used only where other means will not be effective.

**Policy 7.2 Ensure that development is not permitted in areas where site conditions or location may pose a danger to public safety, public health or result in property damage and encourage a coordinated approach to the use of land and the management of water in areas subject to flooding.**

Due to the history-based potential for flooding in Binghamton, the City should discourage all development from the 100-year floodplain, in order that the 100- year flood can be carried without substantial increases in flood heights. The boundaries of the 100-year and 500-year floodplains are described in detail in Section 2.0 – Inventory and Analysis. All development within the 100-year floodplain should be discouraged and guidelines within the City’s Zoning Ordinance for Floodplain Management (Chapter 503) should be amended to ensure that development is strictly controlled in these areas. When development is permitted within the 100-year floodplain, hazards from flooding should be minimized through the advancement of suitable regulations that define acceptable construction techniques and materials, siting and maintenance of drainage areas.

**Policy 7.3 Protect public lands and use of these lands when undertaking all erosion or flood control projects.**

Avoid losses or likely losses of public lands or use of these lands, including public access along the banks, which can be reasonably attributed to or anticipated to result from flood control or erosion protection structures.

**Policy 7.4 Ensure the expenditure of public funds for flooding and erosion control projects results in a public benefit.**

The City should give priority in expenditure of public funds to actions which protect public health and safety, mitigate flooding and erosion problems caused by previous human intervention, protect areas of intensive development and protect substantial public investment in land, infrastructure and facilities. The expenditure of public funds for flooding or erosion control projects is limited to those circumstances where public benefits exceed public costs and is prohibited for the exclusive purpose of protection for private development. The City should consider the use of lands in Binghamton that are susceptible to flooding or erosion for the development of trails.

Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include: economic benefits derived from protection of public

infrastructure and investment and protection of water-dependent commerce; protection of significant natural resources and maintenance or restoration of waterfront processes; integrity of natural protective features; extent of public infrastructure investment; or extent of existing or potential public use.

## **General Environmental Policies**

### **Policy 8      Protect and improve air quality.**

This policy provides for protection of the City of Binghamton from air pollution generated within the waterfront revitalization area boundaries or from outside the area which adversely affects the air quality in the waterfront revitalization area.

### **Policy Standards**

#### **Policy 8.1      Minimize existing air pollution and prevent new air pollution in the City of Binghamton.**

The City should ensure that developments proposed for the riverfront areas of Binghamton do not exceed thresholds established by the federal Clean Air Act and State air quality laws, including restricting emissions or air contaminants to the outdoor atmosphere that are potentially injurious or unreasonably interfere with enjoyment of life or property.

The City should strive to limit pollution resulting from vehicle movement or operation, including actions that directly or indirectly change transportation uses or operation resulting in increased pollution. Promoting their existing public transportation network for residents and increasing participation in carpooling programs through an incentive program would help to achieve this goal within the City.

#### **Policy 8.2      Assist the State whenever possible in the administration of its air quality statutes pertaining to chlorofluorocarbon compounds.**

#### **Policy 8.3      Assist the State whenever possible in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region.**

**Policy 9 Promote appropriate use and development of energy and mineral resources.**

The intent of this policy is to foster the conservation of energy resources in the City of Binghamton by seeking alternative energy sources, providing for standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, minimizing the impact of fuel storage facilities.

**Policy 9.1 Foster the conservation of energy resources.**

The conservation of energy should be an important part of future planning initiatives within the City of Binghamton.

Energy efficiency can be achieved through several means that fall into the jurisdiction of local governments, including: promoting the increased use of public transportation within, and around, the City of Binghamton and surrounding communities, increasing energy efficiency of transportation by integrating various modes of transportation (boat, pedestrian, bicycle, auto, rail, air and public) and coordinating with larger regional entities, promoting energy efficient design in new developments, including the use of solar energy, protection from wind and landscaping for thermal control and promoting energy efficiency through design upgrades of existing facilities.

In addition, improvements need to be made to the existing pedestrian and bicycle circulation system within the City that would allow people to move more effectively from location to location in an environment that is comfortable and safe. This includes improving connections between residential neighborhoods, parks and playgrounds, the waterfront, neighborhood commercial areas and the central business district.

**Policy 9.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.**

While promoting the use of alternative energy sources in the City, interference with waterfront resources, including migratory birds and waterfront processes should be simultaneously avoided.

**Policy 9.3 Ensure maximum efficiency and minimum adverse environmental impact when siting major energy-generating facilities.**

Major energy generating facilities may not be sited on a waterfront location due to their potential adverse environmental impacts.

**Policy 10 Minimize environmental degradation from solid waste and hazardous substances and wastes.**

The intent of this policy is to protect people from sources of contamination and to protect the water resources in the City of Binghamton from degradation through proper control and management of wastes and hazardous materials.

Solid wastes are those materials defined under ECL 27-0701 and 6 NYCRR Part 360-1.2. Hazardous wastes are those materials defined under ECL 27-0901 and 6 NYCRR Part 371. Substances hazardous to the environment are defined under ECL 37-0101. Toxic pollutants are defined under ECL 17-0105.

**Policy Standards**

**Policy 10.1 Manage solid waste to protect public health and control pollution.**

The disposal of solid wastes should be properly and effectively planned for prior to undertaking major development or activities generating solid wastes. The city should promote methods of effectively reusing or recycling solid waste materials. Such methods could include the development and marketing of products manufactured with recovered materials. All efforts should be made to prevent the discharge of solid wastes into the environment by using proper handling, management and transportation practices.

**Policy 10.2 Manage hazardous wastes to protect public health and control pollution.**

Hazardous wastes should be managed in accordance with the following priorities:

- Eliminating or reducing the generations of hazardous wastes to the greatest extent feasible;
- Recovering, reusing or recycling remaining hazardous wastes to the greatest extent feasible; and
- Using treatment, detoxification or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused or recycled.

**Policy 10.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.**

In the city of Binghamton, the release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources should be prevented to the greatest extent possible. All unregulated releases of hazardous substances in the City of Binghamton should be reported to the appropriate county or state agency.

**Policy 10.4 Encourage the safe transportation of hazardous substances and wastes through the City of Binghamton.**

Solid wastes, particularly hazardous wastes, shall not be transported, stored, treated or disposed of in any manner that would adversely affect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas or scenic resources within the City of Binghamton.

**Policy 10.5 Site solid waste and hazardous waste facilities to avoid potential degradation of water resources.**

Solid and hazardous waste facilities should not be sited within the waterfront revitalization area boundaries unless there is a demonstrated need to do so. If the need for a waterfront location is demonstrated, minimize impairment of resources by siting these facilities so that they are not located in or would not adversely affect: natural protective feature areas, surface waters or primary water supplies, habitats critical to fish and wildlife species, vulnerable plant species and rare ecological communities and/or wetlands.

## **Recreation and Cultural Policies**

**Policy 11 Improve public access to and use of public lands and waters.**

Along many stretches of the City of Binghamton waterfront, physical and visual access to the water and shoreline is limited for the general public. With the exception of community parks and open space areas along the waterfront, a significant portion of the waterfront is privately owned or in the hand of a semi- public entity such as the Roberson Museum complex. The main objective of the City is to improve facilities, providing increased public access, waterfront recreation and to link existing and new access and recreation sites in the City. The City of Binghamton will take the necessary steps to maximize the appropriate use of the waterfront to ensure public access in a manner that will not adversely impact sensitive natural areas.

Steps are already being undertaken to improve access along the waterfront. The Chenango River Promenade is a major project, to be completed in phases, which will create a continuous multi-use trail along the eastern side of the Chenango River from

Confluence Park north to Cheri A. Lindsey Park. The project is a key initiative being undertaken by the City to improve physical and visual access to the water's edge.

The development of flood control features is responsible for limiting recreational opportunities and public access to much of the waterfront. Problems in accessing the water are further heightened by limiting access and recreational opportunities to local residents. Reduced visual accessibility has resulted from the loss of vantage points or outright blockage of views. Binghamton's riverbanks have the potential to offer a continuous right of access along its edge.

## **Policy Standards**

### **Policy 11.1 Promote appropriate and adequate physical access and recreation to waterfront resources throughout the City of Binghamton.**

Improving public access to the Binghamton waterfront is integral to the development of the community, as public access and associated recreation facilities can attract tourists, improve the quality of life for residents and generate revenues for the community. A variety of measures should be made in an effort to promote the waterfront within the City of Binghamton as an anchor for tourism and recreation development throughout the region. These efforts may include one or more of the following:

- Complete the Chenango River Promenade in its entirety, creating continuous waterfront access from Confluence Park to Cheri A. Lindsey Park;
- Promote and foster improved linkages between the Chenango River Promenade and downtown Binghamton through enhanced and strengthened pedestrian connections;
- Provide a transportation network that unites the waterfront by developing New York Route 363 as a “parkway” that includes points of interest for accessibility to the water and surrounding areas;
- Reconstruct Route 434 in a manner that accommodates pedestrian and bicycle connections to Pennsylvania Avenue;
- Promote the conversion of existing cloverleafs on the north side of the Susquehanna River (intersections of NY 363 and NY 434) for future community use and development as open space, a community gathering area or recreational facilities;

- Strengthen connections from the north and western areas of the City to the southern side of the Susquehanna River and out to Binghamton University;
- Create interpretive nodes, picnic areas, multi-use trails and active recreation nodes along the entire waterfront;
- Promote the acquisition of lands for public use and parklands to meet existing and projected needs;
- If private and non-water-related uses do locate in this area, visual and physical public access to the waterfront should be included in the development and enforced through site plan review;
- Access points should be developed in addition to waterfront trails, providing movement from parallel streets and outlying areas;
- Protect and maintain existing public access and recreation facilities along the Chenango and Susquehanna Rivers;
- Provide amenities on the road network for non-motorized modes of transportation, such as improved sidewalks, pedestrian crosswalks and bike lanes to ensure maximum access to the waterfront;
- Promote the development of a regional multi-use recreation trail along the riverbanks that services both residents and visitors of the City of Binghamton; and
- Link existing and future trails within the City with regional and local trails in surrounding communities.

**Policy 11.2 Provide public visual access to waterfront lands and the water in the City of Binghamton.**

To the greatest extent possible, views of the Chenango and Susquehanna Rivers from roads, facilities and public access locations should be expanded upon to allow for the maximum appreciation of the beauty of these resources, as well as to increase the attractiveness of the waterfront for residents and tourists.

The following standards should be applied within the City with respect to the desired objective of maintaining and increasing visual access to waterfront lands and the water:

- Preventing the loss of existing visual access by limiting the scale, design, location or structures of development or activities;

- Protecting view corridors provided by streets and other public areas leading to the waterfront.
- Requiring that all roads that run perpendicular to the rivers should terminate at the river with, at a minimum, visual access.
- Creating visual access to the waterfront at 250-foot intervals along the entire lengths of the Chenango and Susquehanna Rivers within the City of Binghamton, promoting an increased level of visual access to the waterfront.
- Allowing vegetative or structural screening of an industrial or commercial waterfront site if the resulting overall visual quality outweighs the loss of visual access.

**Policy 11.3 Increase opportunities for public access at appropriate sites within the City of Binghamton waterfront areas.**

The creation of additional access to trails and facilities in areas where there is currently limited or no public access should be developed as a key priority within the City.

Specific constraints should be considered for all developments along the waterfront, in order to ensure that public access is maximized and adequately planned for. Constraints for buildings along both waterfronts should adhere to the following:

A building setback from the water's edge of 20 feet along the banks of the Chenango River (urban waterfront) should be required to allow for the development of public walkways, boardwalks and amenities.

A building setback from the water's edge of 100 feet along the Susquehanna River (natural waterfront) should be required to allow for the maintenance of natural conditions along the waterfront and the development of naturalized trails and amenities.

**Policy 11.4 Provide access and recreation opportunities which are compatible with the City of Binghamton's natural resources.**

Existing access and recreational opportunities along the riverfronts should be expanded upon in the City, while simultaneously considering the natural resources



found in these areas. Contiguous trails along the banks of the Chenango and Susquehanna Rivers for the recreational use of fish and wildlife resources should be promoted and developed to foster public appreciation of these resources.

**Policy 12 Enhance visual quality and protect outstanding scenic resources.**

The inherent scenic qualities of the City of Binghamton's rivers and surrounding landscape contribute significantly to the area's beauty and character. Many water views can be appreciated from Vestal Parkway, Front Street, various bridges and waterfront parks and open space areas. While not a tangible attribute, the region's scenic qualities are nonetheless important to maintaining its identity as a waterfront community. Areas of visual opportunity should be protected and additional sites enhanced for enjoyment by the general public.

**Policy Standards**

**Policy 12.1 Protect and improve the visual quality of resources within the City of Binghamton's waterfront areas.**

The Chenango and Susquehanna Rivers are two of the most valuable assets that Binghamton currently has to build upon and enhance. The protection of the scenic and aesthetic qualities of these assets, in addition to its recreational role, is a main priority for the City. In this regard the City proposes to encourage developments and activities along the rivers that will add visual interest to the waterfront and to consider the impact of new developments on existing visual resources. The City should strive to avoid structures or activities along the waterfront that introduce visual interruptions to landscapes such as intrusive artificial lighting, intrusion into open space areas and changes to the continuity of natural riverbanks and vegetation.

**Policy 12.2 Identify and develop parcels that have potential to enhance the public's appreciation of the visual resources in the City.**

Although there are numerous locations within the City that offer spectacular views of the water, in many areas views are limited and hindered by flood control features, waterfront access and natural barriers. To this end, the City proposes to promote the

development of additional overlooks and viewing areas at appropriate locations along the banks of both the Chenango and Susquehanna Rivers. Viewing areas should be established approximately every 1,000 feet on both sides of the Chenango River to allow for maximum viewing opportunities.

**Policy 13     Preserve historic resources located in the waterfront area.**

The intent of this policy is to preserve the historic and archaeological resources of the City of Binghamton, within the LWRP waterfront revitalization area. These resources not only provide points of interest for residents and tourists, they become valuable links with the region’s past. This policy recognizes the importance of preserving such treasures, as well as the overall quality of the adjacent areas.

For purposes of this policy, historic resources are those structures, landscapes, districts, areas or sites that are:

- in a federal or state park established in order to protect the resource
- on, nominated, or deemed eligible to be on the National or State Register of Historic Places
- managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust
- on the inventories of archaeological sites maintained by the State Education Department of the State Office of Parks, Recreation and Historic Preservation
- locally designated as a historic or archaeological resource protected by a local law or ordinance

**Policy Standards**

**Policy 13.1     Maximize preservation and retention of historic resources.**

The provisions of this policy are applicable to the following resources, which are listed on the National Register of Historic Places and further described in Section 2.0 – Inventory and Analysis:

Christ Church, 191 Washington Street

County Courthouse, Exchange Street

Dunk House, 4 Pine Street

Fair Store / Cigar Company, 10 – 24 Wall Street

First National Bank, 49 Court Street  
Old City Hall, 79 – 99 Collier Street  
Perry Block, 89 – 91 Court Street  
Phelps Mansion, 191 Court Street  
Press Building, 19 – 21 Chenango Street  
Public Library, Exchange Street  
Roberson Mansion, 30 Front Street  
Security Mutual, Court / Exchange Street  
Stephen’s Square, 81 – 87 State Street  
Stephen’s Market, 56–58 Court Street

The City of Binghamton has a strong architectural history with many historical buildings and structures located within the LWRP waterfront revitalization area boundaries. The City recognizes that public investment in historical development is important to illustrate a commitment to the business community who may later invest in the City, and the waterfront. The City should promote the designation of historic landmarks that reflect elements of the region’s culture, social, economic, political and architectural history as “landmarks” to be protected. These landmarks should be renovated, when possible, and promoted in the community. All possible efforts should be undertaken to minimize the loss of historic resources or the historic character of the resources when it is not possible to completely preserve the resource. The City of Binghamton protects local landmarks and significant historical buildings through their Landmarks Ordinance. All regulations and procedures outlined in the ordinance apply to all applicable historical buildings within the LWRP waterfront revitalization area boundaries. The current City of Binghamton Landmarks Ordinance guidelines and regulations are consistent with the policies stated herein.

In order to take full advantage of the city’s historical assets, appropriate public improvements should be completed. Funds, in the form of existing grants or low interest loans, are available and should be sought for these types of improvements and enhancements. The City should continue to work with the State of New York to promote the area’s history through the Heritage New York Trails program and apply for designation as a trail site / gateway.

In order to avoid potential adverse impacts of development on adjacent or nearby historic resources, land use controls should be implemented which control the

development size, scale, proportion, materials and features in order to ensure compatibility with nearby historic resources.

**Policy 13.2 Protect and preserve archaeological resources in the LWRP waterfront revitalization area.**

The City of Binghamton has a long and important history. The area served as a site of the Revolutionary War, as a stop on the Underground Railroad and its location along the Chenango Canal was instrumental in the areas development. To ensure archeological remains of the historical aspects of the City are protected, the location of archaeological resources in the review of proposed actions should be considered by the City of Binghamton by consulting any archaeological resources inventory mapping prepared by the State Department of Environment or private consultants when reviewing proposed actions. If impacts are anticipated on a significant archeological resource, potential adverse impacts should be minimized by redesigning the project, reducing direct impacts on the resource and/or documenting and recovering data and artifacts prior to construction.