

SECTION III - WATERFRONT REVITALIZATION POLICIES

The LWRP policies presented in this section consider the economic, environmental and cultural characteristics of the Town of Clay's waterfront. These policies are those of the New York State Coastal Management Program. The Town of Clay has adopted these policies, which will be incorporated into the evaluation of all proposed projects within the Waterfront Corridor.

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, waterfront resources. The policies are the basis for Federal and State consistency determinations for activities affecting the waterfront area.

These policies are organized under four headings:

- Developed Waterfront Policies
- Natural Waterfront Policies
- Public Waterfront Policies
- Working Waterfront Policies

Definitions

Selected terms used in the policies are defined below.

Accretion: The gradual and imperceptible accumulation of sand, gravel or similar material deposited by natural action of water on the shore. This may result from a deposit of such material upon the shore or by a recession of the water from the shore.

Agricultural Land: Land used for agricultural production, or used as part of a farm, or having the potential to be used for agricultural production. Agricultural lands include lands 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 New York State 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.

Aquaculture: The farming of aquatic organisms, including fish, mollusks, crustaceans and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies ownership of the stock being cultured.

Best Management Practices: Methods, measures or practices determined to be the most practical and effective in preventing or reducing the amount of pollutants generated by non-point sources to a level

compatible with water quality standards established pursuant to Section 17-0301 of the Environmental Conservation Law. Best management practices include, but are not limited to, structural and non-structural controls, and operation and maintenance procedures. Best management practices can be applied before, during or after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

Boating Facility: A business or accessory use that provides docking for boats and encompasses 4,000 square feet or greater of surface waters, as measured by the outermost perimeter of the dock, and is designed to accommodate six or more boats.

Coastal Barrier Resource Area: Any one of the designated and mapped areas under the Coastal Barrier Resources Act of 1982, (P.L. 97-348), and any areas designated and mapped under the Coastal Barrier Improvement Act of 1990 (P.L. 101-591), as administered by the FWS, and any future designations that may occur through amendments to these laws.

Coastal Hazard Area: Any coastal area included within an Erosion Hazard Area designated by the DEC pursuant to the Coastal Erosion Hazard Areas Act of 1981 (Article 34 of the Environmental Conservation Law) and any coastal area included within a V-zone as designated on Flood Insurance Rate Maps prepared by FEMA pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234).

Development: Other than existing development, any construction or other activity which materially changes the use, intensity of use or appearance of land or a structure, including any activity which may have a direct and significant impact on coastal waters. Development shall not include ordinary repairs or maintenance or interior alterations to existing structures or traditional agricultural practices. The term shall include division of land into lots, parcels or sites.

Historic Maritime Communities: Historic centers of maritime activity identified in Chapter 587, Laws of 1994, for the purpose of fostering the protection and beneficial enjoyment of the historic and cultural resources associated with maritime activity on Long Island Sound.

Historic Resources: Those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows: any historic resource in a Federal or State park established solely or in part in order to protect and preserve the resource; any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places; any cultural resource managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust; any archaeological resource which is on the inventories of archaeological sites maintained by the Department of Education or the Office of Parks, Recreation and Historic Preservation; any resource which is a significant component of a Heritage Area; any locally designated historic or archaeological resources protected by a local law or ordinance.

Maritime Center: A discrete portion or area of a harbor or bay that is developed with, and contains concentrations of, water-dependent commercial and industrial uses or essential support facilities. The harbor or bay area is a center for waterborne commerce, recreation or other water-dependent business

activity and, as such, is an important component of the regional transportation system. A maritime center is characterized by: sheltered and suitable hydrologic conditions; land- and water-based infrastructure essential for the operation of water-dependent commercial and industrial uses, extant or easily provided; physical conditions necessary to meet the siting and operational requirements of water-dependent uses; close proximity to central business districts; and limited high value natural resources.

Maritime Support Services: Industrial, commercial or retail uses which provide necessary goods and services to water-dependent businesses, thus enabling those businesses to operate in an efficient and economically viable manner.

Native or Indigenous Stock: Fish, shellfish and crustaceans originating in and being produced, growing, living or occurring naturally in the coastal waters.

Natural Ecological Community: A variable assemblage of interacting plant and animal populations that share a common environment.

Natural Protective Features: A near shore area, beach, bluff, primary dune, secondary dune or wetland, and the vegetation thereon.

Public Trust Lands: Those lands below navigable waters, with the upper boundary normally being the mean high water line, or otherwise determined by local custom and practice. Public trust lands, waters and living resources are held in trust by the State or by the trustees of individual towns for the people to use for walking, fishing, commerce, navigation and other recognized uses of public trust lands.

Rare Ecological Communities: Ecological communities which, according to the State Natural Heritage Program, qualify for a Heritage State Rank of S1 or S2, and those which qualify for both a Heritage State Rank of S3, S4 or S5 and an Element Occurrence Rank of A.

Traditional Waterfront Communities: Communities which historically have contained concentrations of water-dependent businesses possess a distinctive character and serve as a focal point for commercial, recreational and cultural activities within the region.

Vulnerable Fish and Wildlife Species: Those listed in New York Codes, Rules and Regulations, Title 6 (6 NYCRR), Part 182.5 as Endangered Species, Threatened Species and Special Concern Species.

Vulnerable Plant Species: Those listed in 6 NYCRR, Part 193.3 as Endangered Species, Threatened Species, Exploitable Vulnerable Species and Rare Species.

Water-Dependent Use: 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.

Water-Enhanced Use: 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.

Waterfront Redevelopment Area: A waterfront area which is part of or near a business district and contains blighted or underutilized properties which are adequate in size to accommodate significant redevelopment of regional or State-wide benefit. The following factors shall be considered in identification of waterfront redevelopment areas: (1) evidence of community commitment and initiative; (2) participation in the LWRP; (3) adequacy of local land and water use regulations; (4) adequacy of infrastructure; (5) opportunities for local and regional economic growth; and (6) opportunities for improved public access, environmental quality and creation of local activity centers.

Developed Waterfront Policies

POLICY 1 FOSTER A PATTERN OF DEVELOPMENT IN THE WATERFRONT AREA THAT ENHANCES COMMUNITY CHARACTER, PRESERVES OPEN SPACE, MAKES EFFICIENT USE OF INFRASTRUCTURE, MAKES BENEFICIAL USE OF A WATERFRONT LOCATION, AND MINIMIZES ADVERSE EFFECTS OF DEVELOPMENT.

The regional character of a community's waterfront is defined by the pattern of developed and open space throughout that community. The collection of natural, recreational, commercial, ecological, cultural and aesthetic resources in the community defines its character. The distribution of developed and open lands establishes a pattern of human use that reflects a historic choice between economic development and preservation of waterfront resources.

Development that does not reinforce the traditional pattern of human use would result in an undesirable loss to the community and detract from the landscape characteristics of the region. Development, public investment and regulatory decisions should preserve open space and natural resources, and sustain the historic waterfront communities as centers of activity. Water-dependent uses generally should locate in existing centers of maritime activity in order to support the economic base and maintain the maritime character of these centers, and to avoid disturbance of shorelines and waters in open space areas.

This policy is intended to foster a development pattern that provides for beneficial use of waterfront resources. The primary components of the desired development pattern are strengthening traditional waterfront communities as centers of activity, encouraging water-dependent uses to expand in maritime centers, enhancing stable residential areas and preserving open space.

Description of Community Development

The Town of Clay was established in 1827 and is the northernmost town of the nineteen towns in Onondaga County. The largest town in Onondaga County, Clay is 52 square miles in size and includes part of the Village of North Syracuse. The Seneca River forms its western boundary and the Oneida River forms its northern boundary. These two rivers meet at Three Rivers Point to form the Oswego River.

The 2000 Census estimated a population of 58,805 and the current estimate is approximately 60,000. Clay's modern development as a residential community began in 1955, with the development of the Bayberry tract on County Route 57. Subsequent residential infill in the Waterfront Corridor consists of single and multi-family housing, with much of the residential area located south of NYS Route 31. Commercial development is generally located along the County Route 57 and NYS Route 31 corridors. Development north of Route 31 consists of agricultural land use and low density residential development.

POLICY 1.1 CONCENTRATE DEVELOPMENT AND REDEVELOPMENT IN OR ADJACENT TO TRADITIONAL WATERFRONT COMMUNITIES.

Clay's waterfront properties, which comprise 26 miles of the Town's shoreline, are a valuable resource for scenic and water-dependent recreation. Historically, these properties have been used for residential and agricultural purposes, with limited industrial applications. Overall demand for agricultural and industrial uses has declined, and many of Clay's former waterfront industrial sites and agricultural lands are now vacant, deteriorated or underutilized. However, demand for waterfront property for residential and recreational use is increasing throughout the State and the only reasonable expectation is that this increasing demand will continue into the foreseeable future. As a result, Clay's Waterfront Corridor will face increasing and competing development demands.

The goal of this policy section is to maintain traditional waterfront communities and ensure that development within and around these communities support and is compatible with the character of the community. This can be accomplished by focusing public investment, actions and assistance in waterfront redevelopment areas to reclaim deteriorating waterfront land and Brownfields to be redeveloped for new purposes. The Town shall locate new development where infrastructure is adequate or can be upgraded to accommodate new development. New development shall be consistent with the existing character of the surrounding community or shall have a positive influence on the character of that community.

POLICY 1.2 ENSURE THAT DEVELOPMENT OR USES TAKE APPROPRIATE ADVANTAGE OF THEIR WATERFRONT LOCATION.

Any development in the Waterfront Corridor shall consider its proximity to the river shoreline and the manner in which it takes advantage of its waterfront location. Residential development shall be positioned and oriented to take advantage of scenic views and access to the waterfront. All new development shall take into consideration the possibility of a link to the waterfront, water-dependent activities and access.

POLICY 1.3 PROTECT STABLE RESIDENTIAL AREAS.

The Town shall maintain stable residential areas and allow for continued compatible residential and supporting development in or adjacent to these areas.

Currently established stable residential areas within the Corridor include the Bayberry area, located in the southern portion of the Corridor, the Belgium area, located along NYS Route 31 up to the Seneca River at the Town of Clay's west Town boundary, and the Moyers Corners/Kimbrook area, located east of the Belgium area along NYS Route 31 and west of County Route 57.

POLICY 1.4 MAINTAIN AND ENHANCE NATURAL AREAS, RECREATION, OPEN SPACE AND AGRICULTURAL LANDS.

The Town shall avoid loss of natural areas, recreational areas, open space and agricultural lands by limiting expansion of infrastructure and services which would promote conversion of these areas to other uses. When new development does result in a loss of these types of land uses, whenever possible, the Town shall assure that such development maintains the values associated with these types of land uses.

POLICY 1.5 MINIMIZE ADVERSE IMPACTS OF NEW DEVELOPMENT AND REDEVELOPMENT.

The Town shall minimize potential adverse land use, environmental and economic impacts that would result from proposed development. The Town shall minimize the potential for adverse impacts of the types of development which individually may not result in a significant adverse environmental impact, but when taken together, could lead to or induce subsequent significant adverse impacts. In promoting water-dependent and water-enhanced uses, the following actions shall be considered:

- Favored treatment to water-dependent and water-related development when it comes to the development of waterfront properties.
- For waterfront areas that are publicly owned, development shall be oriented toward water-dependent uses.
- Local land use controls, especially the use of zoning districts exclusively for waterfront uses, will be used to assure adequate space for the development of water-dependent and water-enhanced uses.

POLICY 2 PRESERVE HISTORIC RESOURCES OF THE WATERFRONT AREA.

Archaeological sites and historic structures are tangible links to the past development of a community. The preservation of our history is critical in the advancement of our future.

The intent of this policy is to preserve the historic and archaeological resources of the waterfront area. Concern is not limited to the specific site or resource, but extends to the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of a historic resource. Effective preservation must also include active efforts, when appropriate, to restore or revitalize historic resources.

Three Rivers Point has been identified as a place of historic significance. Native American heritage places importance on this site as a meeting place of various tribes within the Iroquois Confederacy. It is thought to be the location of the first colonial settler in the Town. In the mid-1900's, a nightclub headlining world-class entertainment was located here. Development of this site shall commemorate all of these historically significant aspects.

There are no buildings or structures in the Waterfront Corridor listed on the National Register of Historic Places. Additionally, there are no buildings or structures that are thought to be considered for listing on the National or any local registries.

POLICY 2.1 MAXIMIZE PRESERVATION AND RETENTION OF HISTORIC RESOURCES.

Development of any site with historic significance shall be in a manner that preserves any historic resources remaining on that site. If historic resources no longer remain on the property, the proposed development shall attempt to commemorate the site for its historic significance.

POLICY 2.2 PROTECT AND PRESERVE ARCHAEOLOGICAL RESOURCES.

Development of any site containing archeological resources shall be in a manner that preserves resources on that site. Archeological assessments shall be completed prior to site construction on any site that may contain archeological resources. While archeological resources have not been recently identified at the Three Rivers Point site or along the Oneida River's south shore near Oak Orchards Road (a location thought to have been a Native American encampment and burial ground), any development in these areas shall consider the possibility of encountering archeological resources.

POLICY 2.3 PROTECT AND ENHANCE RESOURCES THAT ARE SIGNIFICANT TO THE WATERFRONT CULTURE.

Through much of the 19th and 20th Centuries, development across New York State was driven by commerce along the Erie and Barge Canals. The Town shall preserve the historic character of this resource by working within the goals and methods outlined in the Erie Canalway Preservation and Management Plan. Goals of this plan include preservation of historic character by protecting historic materials and features or by making repairs using appropriate measures, and providing for compatible use of this resource, while limiting and minimizing alterations to the lands adjacent to this resource.

POLICY 3 ENHANCE VISUAL QUALITY AND PROTECT SCENIC RESOURCES THROUGHOUT THE WATERFRONT AREA.

Visual quality is a major contributor to the character of the waterfront area, and the primary basis for the public's appreciation. In addition to the scenic natural resources, the variety of cultural elements in the landscape and interplay of the built and natural environments are of particular importance to visual quality.

The intent of this policy is to protect and enhance visual quality and protect recognized scenic resources of the waterfront area.

Scenic resources in the Waterfront Corridor include an inactive lock in Caughdenoy, Three Rivers Point and the Lock 23 Canal Park.

POLICY 3.1 PROTECT AND IMPROVE VISUAL QUALITY THROUGHOUT THE WATERFRONT AREA.

The river shorelines along the Waterfront Corridor have a number of scenic views of the Oneida and Seneca Rivers that contribute to the enjoyment of the waterfront. Actions undertaken in the waterfront area shall protect, restore and enhance these views, particularly existing publicly accessible views. Efforts shall also be made to enhance privately accessible views and open those views to the public, where practical and feasible. Enhancement of scenic views can be promoted by thinning/removal of vegetation to restore views to the Rivers.

In future development, the following site and facility-related guidelines should be used to ensure the protection, restoration or enhancement of the visual quality of waterfront areas wherever possible:

- Position structures and other development, such as power lines and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and retain views to and from the shore;
- Cluster or orient structures to retain views, save open space and provide visual organization to a development;
- Prevent, wherever possible, blocking river views from upland areas;
- Remove deteriorated and/or degrading elements that detract from the landscape;
- Maintain or restore the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- Maintain or add vegetation to provide interest, encourage the presence of wildlife, blend structures into the site and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters.
- Use appropriate materials, in addition to vegetation, to screen unattractive elements.
- Use appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.
- Undertake any new construction or activities in the Town so as not to obstruct scenic views. Particular attention must be paid to views from public parks and public rights-of-way;

- Natural materials and colors shall be used to the maximum extent practicable in construction, such that structures are not discordant with the landscape.

It should be recognized that each development situation is unique and the guidelines will have to be applied accordingly.

POLICY 3.2 PROTECT AESTHETIC VALUES ASSOCIATED WITH RECOGNIZED AREAS OF HIGH SCENIC QUALITY.

This particular section of this policy is not applicable, in that there are no Scenic Areas of Statewide Significance (SASS) resources located within the Town of Clay. However, the Town shall make every effort to protect and enhance visual quality and protect recognized scenic resources of the waterfront area in accordance with the intent of this policy section.

Natural Waterfront Policies

POLICY 4 MINIMIZE LOSS OF LIFE, STRUCTURES, AND NATURAL RESOURCES FROM FLOODING AND EROSION.

This policy seeks to protect life, structures and natural resources from flooding and erosion hazards throughout the Waterfront Corridor. The policy reflects State flooding and erosion regulations and provides measures for reduction of hazards and protection of resources.

POLICY 4.1 MINIMIZE LOSSES OF HUMAN LIFE AND STRUCTURES FROM FLOODING AND EROSION HAZARDS.

The Town of Clay participates in the NFIP. As a requirement of this program, the Town has adopted a floodplain management ordinance. This ordinance is intended to minimize public and private losses due to flood conditions. In response to the requirements of the Disaster Mitigation Act of 2000, the Town has also developed a Hazard Mitigation Plan. This plan is designed to improve planning for response to, and recovery from, disasters, including flood events.

Development, construction, filling and other work completed in the Waterfront Corridor shall be implemented in a manner that complies with all ACOE and DEC rules and regulations. Appropriate permits are required for proposed development within 100-year flood zones. Non water-dependent activities and land uses shall be discouraged from development in flood-prone areas.

POLICY 4.2 PRESERVE AND RESTORE NATURAL PROTECTIVE FEATURES.

Natural protective features, such as freshwater wetlands, help safeguard riverfront property from flooding and erosion. The Town shall prevent development in natural protective features, except as specifically allowed in 6 NYCRR Part 505.8.

POLICY 4.3 PROTECT PUBLIC LANDS AND PUBLIC TRUST LANDS AND USE OF THESE LANDS WHEN UNDERTAKING ALL EROSION OR FLOOD CONTROL PROJECTS.

All erosion and flood control projects will be undertaken in a manner that minimizes impact to public lands.

POLICY 4.4 MANAGE NAVIGATION INFRASTRUCTURE TO LIMIT ADVERSE IMPACTS ON COASTAL PROCESSES.

Maintenance of the navigation channel is the responsibility of the New York State Canal Corporation. The Town will work with the Canal Corporation to maintain the navigation channels in a manner consistent with this policy.

POLICY 4.5 ENSURE THAT EXPENDITURE OF PUBLIC FUNDS FOR FLOODING AND EROSION CONTROL PROJECTS RESULTS IN A PUBLIC BENEFIT.

No specific erosion control projects are anticipated by the Town. If public funding is utilized within the Waterfront Corridor for erosion control measures, the Town shall review the intent of such a project to assure that it results in a public benefit. This section is not applicable to the Town of Clay, in that waters of the Town do not influence mean sea level.

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.

The purpose of this policy is to protect the quality of water within the Oswego River Basin. Significant point source discharges within the Waterfront Corridor to the Seneca and Oneida Rivers are limited to discharges from two municipal wastewater treatment plants. These plants are operated by Onondaga County.

Under the National Pollution Discharge Elimination System (NPDES) stormwater program, municipal separate storm sewer systems (MS4s) require authorization to discharge pollutants under a NPDES permit. In New York State, this program is administered by the DEC through their State Pollutant Discharge Elimination System (SPDES) program. The Town of Clay has adopted a law to be in compliance with these requirements.

POLICY 5.1 PROHIBIT DIRECT OR INDIRECT DISCHARGES WHICH WOULD CAUSE OR CONTRIBUTE TO CONTRAVENTION OF WATER QUALITY STANDARDS.

All projects disturbing more than one acre of land will require a Stormwater Pollution Prevention Plan (SWPPP). The Town will evaluate the potential impact of all projects and may, at their discretion, require

a SWPPP for projects disturbing less than one acre if it is believed that a particular project may result in an adverse impact to water quality.

POLICY 5.2 MANAGE LAND USE ACTIVITIES AND USE BEST MANAGEMENT PRACTICES TO MINIMIZE NON-POINT POLLUTION OF WATERFRONT AREAS.

All development projects in the Waterfront Corridor shall incorporate best management practices regarding stormwater management and control to minimize erosion and sedimentation. A SWPPP shall be required of all projects disturbing more than one acre of land. Erosion and sediment control measures shall be required on all projects disturbing less than one acre.

POLICY 5.3 PROTECT AND ENHANCE THE QUALITY OF WATERFRONT AREA WATERS.

The quality of water resources is defined in terms of chemical, physical and biological characteristics which, in turn, relate to the water's acceptability for its intended use. The DEC has classified all streams, lakes and rivers according to best use. The classifications are used to regulate water quality and enforce water quality standards. The water quality classifications for the Seneca and Oneida Rivers is Class B, which means that it is suitable for primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes.

As mentioned above, a SWPPP shall be required for all projects disturbing more than one acre of land. Erosion and sediment control measures shall be required on all projects disturbing less than one acre.

POLICY 5.4 LIMIT THE POTENTIAL FOR ADVERSE IMPACTS OF WATERSHED DEVELOPMENT ON WATER QUALITY AND QUANTITY.

The watershed of the Oswego River Basin extends well beyond the Town of Clay. All projects within the Waterfront Corridor will be completed in a manner that limits the potential for adverse impacts to the waters of the Seneca and Oneida Rivers.

POLICY 5.5 PROTECT AND CONSERVE THE QUALITY AND QUANTITY OF POTABLE WATER.

Potable water service is currently provided to a significant portion of the Town by the Onondaga County Water Authority. The remaining, more rural portions of the Town utilize groundwater as a potable water source. Surface waters in the Town are not currently utilized for water supply purposes.

Protection of local groundwater and surface water is dictated by the State and shall be considered in planning and decision-making. Impacts to be evaluated include those from construction activity, land use management, point and non-point pollution sources and direct actions on waterways.

POLICY 6 PROTECT AND RESTORE THE QUALITY AND FUNCTION OF THE ECOSYSTEM.

The ecosystem consists of physical (non-living) components, biological (living) components and their interactions. Its physical components include environmental factors such as water, soils, geology, energy

and contaminants. The biological components include aquatic plants and animals, and those living in and around the shoreline.

Certain natural resources that are important for their contribution to the quality and biological diversity of the ecosystem have been specifically identified by the State for protection. These natural resources found in the Waterfront Corridor include regulated freshwater wetlands and possibly rare, threatened and endangered species. In addition to specifically identified discrete natural resources, the quality of the ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover and the population of over-wintering songbirds. These more common natural resources collectively affect the quality and biological diversity of the ecosystem.

This policy recognizes the importance of the natural ecosystems within the Waterfront Corridors and provides for protection and enhancement of natural resources making up these ecosystems.

POLICY 6.1 PROTECT AND RESTORE ECOLOGICAL QUALITY.

The Town will encourage the maintenance and improvement of ecological quality by ensuring that water quality, air quality and the destruction of natural habitats are limited to the extent practical in the all waterfront revitalization projects.

POLICY 6.2 PROTECT AND RESTORE SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS.

This section is not applicable to the Town of Clay LWRP, as there are no designated Significant Coastal Fish and Wildlife Habitats in the Town waterfront area.

POLICY 6.3 PROTECT AND RESTORE FRESHWATER WETLANDS.

A substantial number of individual wetlands, comprising various types of freshwater wetlands, have been identified within the Waterfront Corridor. One hundred twenty-five identified State and Federal wetlands, totaling approximately 1,650 acres (20% of the Waterfront Corridor), are located within the Waterfront Corridor. These identified wetlands consist of 21 different FWS classifications and 15 different DEC identified wetland areas. Development within these wetlands is regulated by the DEC and ACOE.

All development within the Waterfront Corridor will be evaluated for compliance with the State and Federal Freshwater Wetland Regulations.

New roads and walkways that would traverse wetlands shall be elevated, wherever possible, so water circulation is not impeded. The maintenance or upgrading of existing roads and rail lines shall not impinge on wetlands. Activities in the Waterfront Corridor that would adversely affect freshwater wetlands by causing increases in erosion, sedimentation, pollution or similar affects, shall be avoided wherever possible. Where such impacts cannot be avoided, mitigating actions will be required.

Areas adjacent to wetlands shall be designed to:

- Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands;
- Direct runoff away from adjacent waters and wetlands, to the extent feasible, by site grading or other methods; and
- Remove runoff from parking lot, maintenance, fueling and wash down areas in a manner that will prevent oils, grease and detergents from reaching adjacent waters and wetlands.

POLICY 6.4 PROTECT VULNERABLE FISH, WILDLIFE, AND PLANT SPECIES, AND RARE ECOLOGICAL COMMUNITIES.

The Town will encourage the abundance of marine and terrestrial resources by ensuring that habitat is not degraded or adversely affected as a result of development in the waterfront area. Any action taken in the Waterfront Corridor that would adversely impact fish, wildlife, plant species and/or rare ecological communities will be considered inconsistent with these policies. Actions to maintain and/or improve the quality of habitat for fish, wildlife and plant species, and rare ecological communities will be deemed consistent with these policies.

POLICY 6.5 PROTECT NATURAL RESOURCES AND ASSOCIATED VALUES IN IDENTIFIED REGIONALLY IMPORTANT NATURAL AREAS.

This policy does not apply to the Town of Clay, as no locations within the Waterfront Corridor have been identified as regionally important natural areas.

POLICY 7 PROTECT AND IMPROVE AIR QUALITY IN THE WATERFRONT AREA.

This policy provides for protection of the Waterfront Corridor air quality from degradation of the air quality as a result of air emissions from new development.

POLICY 7.1 CONTROL OR ABATE EXISTING AND PREVENT NEW AIR POLLUTION.

All new waterfront revitalization projects shall limit pollution resulting from stationary air contamination sources, consistent with applicable standards and requirements. Projects shall also consider, and minimize, the impact from vehicles and vessels emissions.

POLICY 7.2 LIMIT DISCHARGES OF ATMOSPHERIC RADIOACTIVE MATERIAL TO A LEVEL THAT IS AS LOW AS PRACTICABLE.

Any proposed project discharging radioactive material into the atmosphere shall be closely scrutinized.

POLICY 7.3 LIMIT SOURCES OF ATMOSPHERIC DEPOSITION OF POLLUTANTS TO THE WATERWAY, PARTICULARLY FROM NITROGEN SOURCES.

Air emissions are regulated by the State of New York. The Town will work with the State in this regard.

POLICY 8 MINIMIZE ENVIRONMENTAL DEGRADATION IN THE WATERFRONT AREA FROM SOLID WASTE AND HAZARDOUS SUBSTANCES AND WASTES.

The intent of this policy is to protect people from sources of contamination and to protect waterfront resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites to permit redevelopment. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites, and in-place sediment contamination.

POLICY 8.1 MANAGE SOLID WASTE TO PROTECT PUBLIC HEALTH AND CONTROL POLLUTION.

Solid waste in the Town of Clay is handled through independent solid waste hauling companies. Various Town regulations and ordinances require property owners to collect, handle and dispose of solid waste from their properties in a timely and environmentally safe manner.

Recycling is mandatory within Onondaga County. All property owners, residential and commercial, have responsibilities regarding the recycling of certain solid wastes from their homes and facilities.

POLICY 8.2 MANAGE HAZARDOUS WASTES TO PROTECT PUBLIC HEALTH AND CONTROL POLLUTION.

Two sites within the Waterfront Corridor are currently undergoing site remediation for the removal of hazardous and/or petroleum-based wastes. All work shall be completed in accordance with DEC and EPA regulations. The Town shall assure that all sites where hazardous wastes are identified are remediated to appropriate levels prior to redevelopment.

POLICY 8.3 PROTECT THE ENVIRONMENT FROM DEGRADATION DUE TO TOXIC POLLUTANTS AND SUBSTANCES HAZARDOUS TO THE ENVIRONMENT AND PUBLIC HEALTH.

Activities related to the environment and toxic and/or hazardous materials are regulated by Federal and State laws. The Town will work with the appropriate regulatory agencies to ensure protection of human health and the environment.

POLICY 8.4 PREVENT AND REMEDIATE DISCHARGE OF PETROLEUM PRODUCTS.

Two former asphalt plants and one former bulk storage terminal exist within the Town's waterfront area. The redevelopment of these sites is critical to the implementation of the Town's revitalization efforts.

The future siting of bulk petroleum offshore loading facilities is not anticipated at this time. Future redevelopment may include marinas and vessel fueling facilities. When such facilities are proposed along the Town waterfront, development will be consistent with applicable State regulations. The Town shall assure that the following are addressed:

- Facility siting and construction shall be in a manner that minimizes adverse impacts from potential oil spills;
- Facilities shall have adequate plans for prevention and control of petroleum discharges;
- Such plans shall prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles; and
- In the event of a petroleum discharge, a plan must be in place to clean up and remove any petroleum discharge, giving first priority to minimizing environmental damage.

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.

As previously stated, the Town of Clay’s local law (§30.74(C), §30.76(A)[9] and §30.82 of the Town Code) stipulates that transport of solid waste through the Town shall not be operated or conducted in a manner that will unnecessarily contribute pollutants to the soil, air, ground water and surface water, or unnecessarily contribute noxious odors or fumes to the air or environment.

POLICY 8.6 SITE SOLID AND HAZARDOUS WASTE FACILITIES TO AVOID POTENTIAL DEGRADATION OF WATERFRONT RESOURCES.

The future siting of solid and hazardous waste facilities in the Town is not anticipated at this time. In the unlikely event that the siting of such a facility along the Town waterfront becomes necessary, development will be consistent with applicable State and local policies for such facilities.

Public Waterfront Policies

POLICY 9 PROVIDE FOR PUBLIC ACCESS TO, AND RECREATIONAL USE OF, THE WATERWAY, PUBLIC LANDS, AND PUBLIC RESOURCES OF THE WATERFRONT AREA.

The intent of this policy is to provide new public access and protect existing public access to waterfront resources. Along many stretches of the shoreline, physical and visual access to waterfront lands and waters for the general public is limited. Limitations on reaching or viewing the waterfront are further heightened by a general lack of opportunity for diverse forms of recreation at those sites that do provide access. Often access and recreational opportunities that are available are limited to local

residents. Existing development has made much of the waterfront inaccessible. In addition to loss of opportunities for physical access, visual access is also limited.

This policy incorporates measures needed to provide and increase public access in the form of views, boater access to the water and public waterfront green space throughout the waterfront area. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. Another measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation. Desired types of public access include boat access (launch sites and marinas), fishing access and other recreational access, such as nature walks/trails and park space. Please refer to Section II.B for additional information regarding existing access amenities.

POLICY 9.1 PROMOTE APPROPRIATE AND ADEQUATE PHYSICAL PUBLIC ACCESS AND RECREATION THROUGHOUT THE WATERFRONT AREA.

The Town shall consider the opportunity to include public access to the waterfront in all private development projects. When appropriate, private development shall be encouraged to include public green space along and/or near the shoreline. Boat launches, marinas, fishing access, nature walks/trails and park space are examples of public access that should be considered during proposed development planning.

Any development at Three Rivers Point shall consider boat docking facilities and access to the development from the water. Development along Maider Road shall also take into consideration the possibility of docking facilities to provide access to and from the water.

Other forms of non-motorized transportation shall also be considered for waterfront access. Walkways and bicycle paths, where appropriate, shall link development throughout the Waterfront Corridor with the waterfront.

Public and private development shall take into consideration opportunities for expansion of the Canalway Trail. Any development at Three Rivers Point and along Maider Road shall consider public access that may connect to future expansion of the Canalway Trail.

All waterfront development projects shall consider visual aesthetics and the impact that the project has on the public's view of the waterfront.

POLICY 9.2 PROVIDE PUBLIC VISUAL ACCESS FROM PUBLIC LANDS TO WATERFRONT LANDS AND WATERS OR OPEN SPACE AT ALL SITES WHERE PHYSICALLY PRACTICAL.

Future development of public lands shall provide visual access to the waterfront and open lands.

Development of public lands shall strive to prevent the loss of existing visual access to the waterfront and, where possible, enhance public visual access. Buildings and other structures shall be located and designed to enhance public visual access wherever possible. Vegetative and structural screening shall be incorporated to enhance the public's visual appreciation of the waterfront when appropriate.

Private development shall be undertaken in a manner that limits, and preferably enhances, existing public visual access to the waterfront. The location, layout and size of buildings, structures and landscaping shall be in a manner to preserve existing public visual access to the extent practicable.

Public roadways should be laid out and landscaped in a manner that provides visual access to the waterfront whenever possible.

POLICY 9.3 PRESERVE THE PUBLIC INTEREST IN AND USE OF LANDS AND WATERS HELD IN PUBLIC TRUST BY THE STATE, AND OTHER PUBLIC ENTITIES.

Development of public land or the leasing of public lands shall be in a manner that preserves the public interest.

As reported in Section II.B., publicly owned lands exist throughout the Corridor. New York State holds ownership of the Seneca River, Oswego River and Erie Canal, along with the Lock 23 Canal Park. The DEC holds ownership of three undeveloped parcels and the Town of Clay holds ownership of various park spaces and undeveloped tracts of land. Two wastewater treatment plants owned by Onondaga County are also located within the Corridor.

POLICY 9.4 ASSURE PUBLIC ACCESS TO PUBLIC TRUST LANDS AND NAVIGABLE WATERS.

Any trusts granted on public lands shall, if at all practicable, ensure public access to the waterfront.

Working Waterfront Policies

POLICY 10 PROTECT WATER-DEPENDENT USES AND PROMOTE SITING OF NEW WATER-DEPENDENT USES IN SUITABLE LOCATIONS.

The intent of this policy is to protect existing water-dependent commercial, industrial and recreational uses, and to promote future siting of water-dependent uses at suitable locations. It is also the intent of this policy to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure for water-dependent uses and their efficient operation.

POLICY 10.1 PROTECT EXISTING WATER-DEPENDENT USES.

The Town will facilitate the continued existence of water-dependent uses in the waterfront with particular emphasis on those that will contribute to public and visual access to waterfront lands and

waters. Any development which would displace, adversely impact or interfere with existing water-dependent uses shall be determined to be adverse to this policy.

To ensure that water-dependent uses can continue to be accommodated within the Town, government agencies will avoid undertaking, funding or approving non water-dependent uses when such uses would preempt the reasonably foreseeable development of water- dependent uses. Furthermore, government agencies will utilize appropriate existing programs to encourage compatible water-dependent activities.

Recreational boating is the dominant water-dependent use in the Waterfront Corridor. Existing boat launch sites in the Corridor provide access to the water for small boats (under 20 feet). Additional launch sites should be considered in new waterfront development.

To support and encourage recreational boating, new development in the Waterfront Corridor shall consider docking facilities.

Three existing water-dependent marina facilities are located within the Corridor. Two of the marinas, Pirates Cove and Caughdenoy Marina, are located north of NYS Route 31. The third marina is located in the southern portion of the Corridor, off Bel Harbor Drive. The DEC also operates a boat launch site on the Oneida River.

POLICY 10.2 PROMOTE MARITIME CENTERS AS THE MOST SUITABLE LOCATIONS FOR WATER- DEPENDENT USES.

Future development within the Waterfront Corridor shall be consistent with current uses of the waterfront. Areas along the waterfront shall be zoned consistent with their current use or for uses that compliment the current uses.

POLICY 10.3 ALLOW FOR DEVELOPMENT OF NEW WATER-DEPENDENT USES OUTSIDE OF MARITIME CENTERS.

Restrictions shall not be placed on lands outside the Waterfront Corridor that would prohibit the development of a water-related project that does not necessarily require a waterfront location, but may, if located on the waterfront, present visual, aesthetic, or other concern to the waterfront.

Examples of potential water-dependent uses outside of maritime centers include, but are not limited to, boat sales, repair, storage and equipment facilities, restaurants, parks, and nature and cultural 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.

The Town shall allow non water-dependent uses of the waterfront when such uses compliment or support existing waterfront development or proposed water-dependent uses.

Examples of such non water-dependent water-enhanced uses include residential, commercial, recreational, cultural, entertainment and professional development.

Restaurants and cafés should be designed in a manner to emphasize the visual access to the waterfront when possible. Residential development should also be cited in a manner to emphasize visual access to the water. Pedestrian and bicycle trails off the water's edge should provide seating and lookouts in locations that provide visual access to the waterfront.

Development of water-enhanced uses should not be cited or carried out in a manner that precludes future expansion of water-dependent uses.

POLICY 10.5 MINIMIZE ADVERSE IMPACTS OF NEW AND EXPANDING WATER-DEPENDENT USES, PROVIDE FOR THEIR SAFE OPERATION, AND MAINTAIN REGIONALLY IMPORTANT USES.

No regionally important uses of the waterfront have been identified in the Town of Clay.

POLICY 10.6 PROVIDE SUFFICIENT INFRASTRUCTURE FOR WATER-DEPENDENT USES.

Maintenance of the Seneca and Oneida Rivers and the associated channels within them is the responsibility of the New York State Canal Corporation. The Town will work with the Canal Corporation, as necessary, to meet the intent of this section of the policy.

POLICY 10.7 PROMOTE EFFICIENT HARBOR OPERATION.

While the Town of Clay does not have traditional harbor facilities within the Corridor, the Seneca River, Oneida River and Erie Canal are utilized for recreational purposes. These State waters are utilized for boating, fishing, swimming and other water sports. Many private landowners along the shoreline utilize the waters and its adjacent land for water access, boat docking and recreational purposes. The Town of Clay shall enforce the New York State Canal Corporation Guidelines pertaining to dock installations and shoreline development that apply to the use of the Corridor's Seneca and Oneida Rivers and Erie Canal.

POLICY 11 PROMOTE SUSTAINABLE USE OF LIVING MARINE RESOURCES.

The intent of this policy is to ensure that development of the waterfront area does not adversely impact the long-term maintenance and health of living marine resources. Living marine resources play an important role in the social and economic well-being of the people of waterfront communities. Fishing opportunities to the public constitute an important contribution to the public's enjoyment and appreciation of the waters.

Continued use of living resources depends on maintaining long-term health and abundance of marine fisheries resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires the State's active management of marine

fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded 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: (1) be consistent with the restoration and maintenance of healthy stocks and habitats and (2) maximize the benefits of resource use so as to provide valuable recreational experiences.

POLICY 11.1 ENSURE THE LONG-TERM MAINTENANCE AND HEALTH OF LIVING MARINE RESOURCES.

The waters of the Seneca and Oneida Rivers are not considered commercial fisheries. However, these waters are important recreational fisheries. Recreational fishing is regulated by the DEC. The Town of Clay will work with the DEC to promote recreational fishing and the enforcement of its regulations.

POLICY 11.2 PROVIDE FOR COMMERCIAL AND RECREATIONAL USE OF MARINE RESOURCES.

Commercial fisheries do not exist in the Town. Facilities for recreational fishing will be considered for development by the Town.

POLICY 11.3 MAINTAIN AND STRENGTHEN A STABLE COMMERCIAL FISHING FLEET.

This section is not applicable to the Clay LWRP. There is no commercial fishery in the waters of Central New York.

POLICY 11.4 PROMOTE RECREATIONAL USE OF MARINE RESOURCES.

Facilities for recreational fishing, boat access, docking/storage, water sports and educational uses, etc. will be considered for development by the Town.

POLICY 11.5 PROMOTE MANAGED HARVEST OF SHELLFISH ORIGINATING FROM UNCERTIFIED WATERS.

This section is not applicable to the Clay LWRP. There is no shellfish fishery in the waters of Central New York.

POLICY 11.6 PROMOTE AQUACULTURE.

At this time, the waters of the Town of Clay are not likely to be considered for aquaculture development.

POLICY 12 PROTECT AGRICULTURAL LANDS.

The intent of this policy is to conserve and protect agricultural land by preventing the conversion of farmland to other uses and protecting existing and potential agricultural production. Agricultural acreage has sharply reduced over a relatively short period of time. This loss has occurred as the regional

economy has become less dependent on agricultural interests and the residential value of rural lands has exceeded its agricultural value. As a result, many areas in the Waterfront Corridor have rapidly transformed from one dominated by agrarian uses and activities to one dominated by single family residences. Protecting the remaining agricultural land will help assure a local agricultural economy, persevere the local farming heritage, provide open space and secure scenic quality of the rural areas.

POLICY 12.1 PROTECT EXISTING AGRICULTURE AND AGRICULTURAL LANDS FROM CONVERSION TO OTHER LAND USES.

No critical agricultural lands have been identified in the Waterfront Corridor. While many acres of land remain in agricultural use, the importance of agriculture as a viable means of commerce in the Town greatly diminished through the 1900's, particularly over the last 30 years. While many parcels of land remain zoned for agricultural use, relatively few acres remain commercially agricultural.

Zoning will be enforced to preserve open lands and agricultural lands.

POLICY 12.2 ESTABLISH AND MAINTAIN FAVORABLE CONDITIONS WHICH SUPPORT EXISTING OR PROMOTE NEW AGRICULTURAL PRODUCTION.

The Town shall allow mixed use of lands to assist in the retention of agricultural lands.

POLICY 12.3 MINIMIZE ADVERSE IMPACTS ON AGRICULTURE FROM UNAVOIDABLE CONVERSION OF AGRICULTURAL LAND.

When lands are converted from agricultural use to other uses, efforts will be made to minimize the impact of this conversion on other agricultural lands.

POLICY 12.4 PRESERVE SCENIC AND OPEN SPACE VALUES ASSOCIATED WITH AGRICULTURAL LANDS.

The Town shall locate and arrange development to maximize protection of agricultural land in large contiguous tracts to protect associated scenic and open space values.

POLICY 13 PROMOTE APPROPRIATE USE AND DEVELOPMENT OF ENERGY AND MINERAL RESOURCES.

In dealing with energy problems, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design and efficiency in energy generation are the best means of reducing energy demands. Reduced demand for energy reduces the need for construction of new facilities that may have adverse impacts on waterfront resources.

In addition to the impacts of construction of new energy generating facilities, the potential impacts of oil and gas extraction and storage and mineral extraction must be considered. In particular are the

potential adverse impacts of mining activities on aquifers. The intent of this policy is to promote the use and development of energy and mineral resources while minimizing the adverse effects of resource development.

POLICY 13.1 CONSERVE ENERGY RESOURCES.

As current economic conditions regarding energy costs are anticipated to continue, the Town shall promote the planning and construction of sites using energy efficient design.

POLICY 13.2 PROMOTE ALTERNATIVE ENERGY SOURCES THAT ARE SELF-SUSTAINING, INCLUDING SOLAR AND WIND POWERED ENERGY GENERATION.

The Town is not located in an area that meets the minimum industry requirements for self-sustaining energy development. Should technological advances enable cost-effective development of such facilities in the future, these facilities would be located in applicably zoned areas.

POLICY 13.3 ENSURE MAXIMUM EFFICIENCY AND MINIMUM ADVERSE ENVIRONMENTAL IMPACT WHEN SITING MAJOR ENERGY GENERATING FACILITIES.

There are currently no major energy generating facilities located in the Town. The development of new major energy generating/transmission facilities in the future is not anticipated at this time. Future development of such facilities shall be in accordance with all applicable sections of this LWRP.

POLICY 13.4 MINIMIZE ADVERSE IMPACTS FROM FUEL STORAGE FACILITIES.

The future siting of bulk petroleum offshore loading and/or storage facilities is not anticipated at this time. In the unlikely event that the siting of such a facility along the Town waterfront becomes necessary, development will be consistent with applicable State and local policies.

Any fuel storage facilities located on the waterfront shall employ equipment and practices to prevent the leaking or spilling of fuel to the waterway.

POLICY 13.5 MINIMIZE ADVERSE IMPACTS ASSOCIATED WITH MINERAL EXTRACTION.

There are no commercial mining operations currently located in the waterfront area.