

SECTION V - LOCAL IMPLEMENTATION TECHNIQUES

Proposed land and water uses within the waterfront corridor, policies impacting the waterfront corridor and proposed projects within the waterfront corridor must be undertaken in a manner consistent with the LWRP. Means by which to implement the LWRP include:

- The enforcement of existing laws and regulations.
- The establishment of new laws and regulations specifically imposed to assist in the impletion of the LWRP.
- Establishment of local review policies that evaluate proposed projects for consistency with the LWRP.
- Identification of financial resources available to fund projects and programs of the LWRP.

A. Existing Local Laws and Regulations

Local laws and regulations are the basic means of enforcing provisions of the LWRP. The enforcement of these laws and regulations helps assure the long-term beneficial use of the waterfront. The following is a listing of existing Town of Clay laws and regulations that will serve to implement the LWRP:

- Town of Clay Northern Land Use Study
<http://www.townofclay.org/sites/default/files/admin/Draft%20Northern%20Clay%20study%206-6-11.pdf>
- Town of Clay Subdivision Regulations.
<http://www.townofclay.org/information/municipal-code>
- Town of Clay Zoning Ordinance.
<http://www.townofclay.org/sites/default/files/Zoning%20Code%20revised%20thru%20Jan%202010.pdf>

Town of Clay Northern Land Use Study

The Northern Land Use Study is a study of the lands north of Route 31 in the Town of Clay. For many years, this part of the Town had remained primarily agricultural. In the 1960's and 1970's, the agricultural use of these parcels began to decline. By 1980, large tracts of former agricultural land were no longer in productive use. In the 1990's, this portion of the Town was experiencing its first wave of residential development. As population in the Town continued to grow, Town representatives realized that residential pressures would be placed in this area. Town planners recognized the need for a study to examine land features restricting development, as well as infrastructure that supported development. Such a study would allow Town officials to plan future land uses in this area.

This study, currently under review in draft form, proposes to retain the RA-100, Residential/ Agricultural District in most of the areas, but allow for future development by including the incorporation of a new

R-60, One-Family Residential District. Also recommended in the study were considerations for future development to provide safe and strategic traffic circulation. The final recommendation of the study was the allowance of limited business activity that was particularly aimed at providing services to the new neighborhoods.

Town of Clay Subdivision Regulations

The Town has specific subdivision regulations that pertain to the subdivision of any parcel or land into two or more lots. These regulations dictate quite specifically the procedures that must be taken prior to approval of any subdivision of property. Included in these regulations are submittal, review and approval procedures for subdivision requests.

Town of Clay Zoning Ordinance

The intent of the Town of Clay Zoning Ordinance is for the regulation, control and restriction of use and development of land and buildings in the Town. This ordinance is designed to promote and protect the local environment, the public health and safety, and the public's general welfare. This ordinance includes zoning boundaries for the entire Town. Also included in the ordinance are the procedures for site plan review and approval of all new structures, modifications, alterations or replacements of existing structures, as well as the change of use of existing structures (as defined by New York State Uniform Code).

Additionally, recent establishment of Planned Development District (PDD) zones will assist in implementation of the Program. PDD zoning enables more creative and customized development of properties. The PDD zone promotes a dialogue between the applicant and Town both before and during site plan development.

B. New or Revised Local Laws and Regulations

The existing laws and regulations cited above were not adequate to assure that the policies and conditions of the LWRP are upheld in future waterfront redevelopment. The adoption of an LWRP requires the adoption of new laws and regulations to assure that the Program's policies and intentions are carried out.

State law require State agencies to determine that a proposed action which they directly undertake, fund or approve within the boundaries of an approved LWRP is consistent with the policies of that LWRP. Any action found to be inconsistent with the Program should not be undertaken.

The Town of Clay is required to make a similar commitment to ensure local consistency with their LWRP. This is achieved by ensuring that local laws implementing the Program reflect the provisions of the LWRP.

Local LWRP Consistency Law

The Town has adopted a local LWRP Consistency Law. The intent of this law is to provide a framework for the Town to consider the policies and intentions of the LWRP when reviewing applications for projects, developments or other actions within the Waterfront Corridor. This law allows the Town to

provide advice and assistance to the New York State Department of State for consistency review of State actions within the Waterfront Corridor.

This new law dictates that the Town Planning Board shall act as lead agency for all actions within the Waterfront Corridor being considered by any Town agency or department. As lead agency, all Town agencies and departments shall refer actions within the Waterfront Corridor to the Planning Board to be evaluated for consistency with the LWRP policy standards and other conditions set forth in the Program. Following their review, the Planning Board shall render a written decision either directly to the applicant or to the applicable Town department indicating whether or not the action is consistent with the LWRP. This written decision shall also include suggested modifications to denied projects that may lead to eventual approval in a future submittal.

Refer to Appendix A– Waterfront Consistency Review Law for additional information.

C. Review Process for Proposed Waterfront Projects

Article IX of the Town of Clay Zoning Ordinance, Administration and Enforcement, outlines the procedures for review of an application to build a new structure, modify an existing structure, or change the use of an existing structure. These procedures include submission of site plans, review by the Planning Board and possible consideration by the Board of Appeals. The Town’s subdivision regulations outline similar procedures for applicants applying for subdivision of land.

Current subdivision regulations and the current site plan review process have been an effective means of evaluating projects presented for development in the Town. Major changes were not recommended to the regulations or the ordinance as a result of implementing this LWRP. However, implementing the LWRP Consistency Law will require modifications to the review process for projects within the Waterfront Corridor. These changes may include modifying building permit and subdivision applications to include a box indicating whether or not the proposed project or land to be subdivided lies within or is adjacent to the Waterfront Corridor. Internal procedural changes may be necessary as well. For instance, a procedure will need to be implemented for Town agencies and departments to notify the Planning Board of projects or actions to be taken within the Waterfront Corridor.

The review process for all projects will be two-fold. Local projects will require review for consistency with the LWRP in accordance with procedures set forth in the Program Consistency Law. Proposed State actions will be reviewed in accordance with guidelines established by the New York State Department of State (DOS). See Appendix F – New York State Department of State Coastal Management Program - Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect for a copy of the DOS guidelines.

D. Financial Resources Available for Funding Projects and Programs of the LWRP

Costs for the implementation of the LWRP fall into three categories. Administrative costs, capital costs and maintenance costs.

Administrative costs are those costs associated with the Town's efforts to manage and oversee conformance and enforcement of the LWRP. The Town needs to recognize that there will be administrative costs associated with the Program and budget appropriately. Departments that may need additional budgetary expenditures to implement the Program include legal counsel for the review of policy conformance, Planning Board for consistency review and general administration to support additional review efforts. Funding for administrative costs shall come from the Town's general revenue sources and shall be reflected in the annual budget.

Capital costs reflect the costs incurred by the Town in completing specific projects. The LWRP has identified a number of projects to be completed by the Town that will require significant capital expenditures. Projects such as these are generally funded through State or Federal grants, many of which require partial matching either in dollars or in-kind services. Possible sources for these grants include:

The New York State Clean Water/Clean Air Bond – Environmental Conservation Law Article 56

- Project eligibility should be evaluated under different Bond Act funds, including the Safe Drinking Water Fund (Title 2), the Clean Water Fund (Title 3) and the Municipal Environmental Restoration Project Fund (Title 5).

The New York State Brownfield Opportunity Areas Program

- Under the Brownfield Opportunity Areas (BOA) Program, the DOS provides financial and technical assistance to municipalities and community-based organizations. Funding can be used to complete revitalization plans and implementation strategies for areas affected by the presence of Brownfield sites, as well as site assessments for strategic sites. DEC provides relevant technical assistance and advice to the DOS and BOA grantees, particularly regarding site assessments on strategic Brownfield sites in BOA study areas.

The New York State Environmental Protection Fund – Environmental Conservation Law Article 54

- The fund, administered by the New York State Office of Parks, Recreation and Historic Preservation, provides assistance for park, recreation and historic preservation projects. Funding for the implementation of Local Waterfront Revitalization Programs, administered by the New York State Department of State, is also available through this program.

The Federal “Superfund” – Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

- This fund provides the Federal government with funds to implement short-term “removal” actions, or longer-term remedial investigation and remediation of hazardous waste sites

listed on the National Priorities List (NPL). This fund was used to implement limited clean-up activities at the former Diamond International Site.

Federal Environmental Response and Spill Compensation Fund – Navigation Law Article 12

- This fund is available to States to implement investigation and cleanup of petroleum discharges and removal of underground storage tanks. The fund is also available to compensate injured parties, including municipalities, which have lost revenue as a result of the discharge of petroleum.

Clean Water State Revolving Fund for Water Pollution Control

- Financing is available to respond to non-profit source pollution projects. Non-point source refers to water pollution from diffuse sources that are not directly related to a piped discharge. Examples include remediation of contamination from leaking underground storage tanks or collection and treatment of road runoff, and water body restoration such as stream bank stabilization, drainage erosion and sediment control.

Industrial Finance Program

- Provides low interest loans to private businesses for environmental improvement capital projects, including Brownfields site remediation and solid waste management.

The State Revolving Fund Program

- One of the largest environmental infrastructure financing programs in the nation. Three primary loans are available through EFC: Bond-Funded Loans, Financial Hardship Loans (including interest-free, long-term) and Interest-Free Short-Term (up to two years).

Community Development Block Grant (CDBG)

- This program provides direct funding from the Department of Housing and Urban Development (HUD) for activities that support the reuse of industrial sites. CDBG funds are used for grants, loans, loan guarantees and technical assistance activities. Formally a Federal program, New York State has been administering the program since 2000.

Section 108 Federal Loan Guarantees

- Another HUD program, may also be applicable to the industrial site reuse effort. Eligible projects include rehabilitation of obsolete structures, property acquisition and site preparation activities that could include removal of contamination from a property.

New York State and United States Departments of Transportation

- Grants and loans may be available pursuant to the DOT Transportation Efficiency Act (TEA21), formerly ISTEA (Industrial Access Program Chap 54 of Laws of 1985-appropriations bill).

New York State Empire State Development Corporation (ESDC)

- Program grants and loans are available as incentives to attract commercial development and may be applicable to Brownfields development. The Economic Development Fund is the primary funding program.

United States Department of Commerce Economic Development Administration

- Grants are available to assist economic development projects.

New York State Nonpoint Source Implementation Grants Program

- The NYSDEC has a grant program under its Nonpoint Source Implementation Grants Program. The Program provides grants for up to fifty percent (50%) of the cost of eligible nonpoint source water pollution assessment, planning and abatement projects.

Private Foundation Grants

- The Environmental Grantmaker's Association, 1290 Avenue of the Americas, Suite 3450 New York, New York, 10104 compiles a listing of hundreds of potential foundations and trusts which may provide funding assistance to creative environmental/economic development initiatives. The Foundation Center's satellite location at the Yonkers Public Library has a searchable database of charitable foundations.

Greenway Conservancy

- Provides funding for trail-related projects.

The Environmental Protection Fund

- A legislatively designated long-term source of revenues available to meet the pressing environmental needs of the State. A portion of this funding is administered by the New York State Department of State for LWRP implementations.

Land and Water Conservation Fund

- Federal monies allocated to the States by the Department of the Interior for land acquisition and development of outdoor recreation.

Pittman-Robertson Program

- Federal monies from the Federal Aid in Wildlife Restoration Act, apportioned to the States for wildlife conservation and hunter education.

Sport Fish Restoration Program

- Also known as the Dingell-Johnson program and amended by the Wallop Breaux Act, collects taxes on sport fishing related items and returns the monies to the States for use in fisheries management and research programs.

Biodiversity Stewardship and Research Fund

- A legislatively designated vehicle to receive funds from a variety of sources; Federal, State and private; to support biodiversity stewardship, research and education in New York State.

Forest Legacy Program

- Federal monies designed to identify and protect environmentally sensitive forests that are threatened with conversion to non-forest uses.

Environmental Benefit Project Funds and Natural Resource Damages

- If appropriate and in accordance with law and guidance, may be provided for open space conservation.

Migratory Bird Stamp and Print

- A dedicated source of revenue for management and acquisition of wetlands and associated migratory bird habitat in New York State and Canada.

Return a Gift to Wildlife

- A State income tax donation program. The revenues are used for a variety of projects that benefit fish and wildlife.

State Revolving Loan Fund

- Provides low-interest loans to municipalities to construct and expand sewage treatment facilities. Continuation of the State revolving loan fund depends on periodic reauthorization of the Clean Water Act with grants to States to capitalize the loan fund.

Federal Non-Game Wildlife Funding Initiative

- Under consideration by the International Association of Fish and Wildlife Agencies, would provide a flexible program of grants to the States, funded through a Federal excise tax on backpacks, mountain bicycles, tents, climbing gear and similar outdoor recreational equipment.

Gifts and Donations

- A way for individuals and businesses to contribute directly to the conservation of open space through donations of land or easements.