

SECTION V
TECHNIQUES FOR LOCAL IMPLEMENTATION
OF THE PROGRAM

V. **TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM**

The following are tools for the implementation of the program.

- A. Local Laws and Regulations
- B. Other Public and Private Actions
- C. Management Structures
- D. Financial Resources
- E. Review of Proposed State and Federal Actions

A. **Local Laws and Regulations Necessary to Implement the Local Waterfront Revitalization Program**

1. **Existing Local Laws and Regulations**

a. **Zoning Law**

The Zoning Law was adopted in 1989. It includes a Land Conservation District (LC) 1,000 feet deep along the Hudson River and Tivoli North Bay and 100 feet deep measured from the centerline on both sides of the Stony Creek. Along tributaries to Stony Creek the LC District is 50 feet deep on either side, measured from the centerline of the tributary. No uses are permitted by right, but agriculture, game preserves, outdoor recreation uses, parks, playgrounds, and wildlife preserves are special permitted uses. The LC district supports both the water quality and scenic policies of the LWRP, while providing for limited water-dependent recreation.

Two business districts are provided by the Zoning Law, a General Business (GB) district in an area one and two blocks deep along Broadway in the Village Center and a Residential Business (RB) district on NY Route 9G limited to approximately 1/3 mile of highway near the intersection with Broadway (County Route 78). These districts recognize the existing commercial activity in these areas and direct new businesses to these same areas. Both districts also allow light industry by special permit. These districts support Policy 5 by encouraging development where public services and facilities already exist, Policy 1 by encouraging a concentration of economic activity to strengthen existing uses, and Policy 25 by discouraging strip development and preserving neighborhood character.

The remaining zoning districts are residential districts of densities varying from 3 acres per unit to 15,000 square feet per unit. The R15 district is located where central water and sewer is available and existing development patterns are dense. The R1 district provides for expansion of the Village Center but at a lower density, in areas where connection to the central water and sewer is practicable. The R3 district lies behind the LC district along the Hudson River on land presently in large estates. The R2 district lies along Route 9G except where the RB district is located.

Provision for mandatory clustering in the zoning allows for preservation of open space and other natural resources in land subdivision. The minimum area per unit allowed in a development is 12,000 square feet. Structure height is limited to general height of other structures in a zoning district, which in Tivoli generally does not exceed two stories. Combined, these two provisions can preserve neighborhood character and protect scenic views. Signs are regulated as to size and placement, and are considered an accessory use. Sections on site plan approval and landscaping allow review of site treatment of uses in the two business districts, special permitted uses, and residential uses of five or more units.

- b. Subdivision Regulations - The Village of Tivoli adopted the present subdivision regulations in January of 1973. The subdivision regulations provide the structure for the Planning Board to review and mitigate any subdivision proposal within the Village limits.

The Planning Board has the opportunity through the subdivision process to guide future growth and development with the aid of zoning, and to negotiate changes to the site plan for the betterment of the Village's physical well-being (sewers, water and streets), as well as the aesthetic improvement (setbacks and landscaping).

- c. Flood Plain Regulations - The Village adopted standard flood plain regulations in 1987.
- d. State Environmental Quality Review (SEQR) - The Village of Tivoli adopted a local SEQR ordinance in August of 1977. The Village Planning Board acts as a SEQR review committee for the Village Board of Trustees. The Village Board, with the assistance of the Planning Board, could expand the State list of Type I actions to include additional concerns of the community.

2. **Additional Law Adopted**

- a. **Local Consistency Law** - A local consistency law was adopted to ensure that the actions of all Village agencies will be consistent with the LWRP.

B. Other Public and Private Actions Necessary to Implement the LWRP

1. **Streetscape** - The Village of Tivoli will work with private property owners and businessmen to preserve the historic fabric of the community. The Village can apply for grants for facade rehabilitation and provide street amenities that will improve the appearance of the community. Planting new trees and caring for older trees is an example of such activity.
2. **Housing Rehabilitation** - All residential buildings should be upgraded to meet existing health and safety requirements. The Village housing is the responsibility of the individual property owners. The Village will continue, as in the past, to take advantage of housing rehabilitation funds and through the Village Building Inspector's office will issue certificates of occupancy to only those units that meet code.

The Village can develop a "Pride in Tivoli" campaign and foster through neighborhood groups and preservation guidelines the appropriate rehabilitation of Tivoli's housing stock.

3. **Commercial Revitalization** - Private enterprises in Tivoli's commercial buildings will be encouraged through an organization of commercial property owners, local business people and representatives of local government. This organization will work together to create an attractive Village commercial environment with tax abatement programs and possibly evolve into a new Tivoli Chamber of Commerce. This Village Chamber of Commerce could then call upon the national organization's technical resources to further advance the local objective.
4. **Community Involvement** - The Tivoli Community Association (TCA) was formed in 1987 to provide an opportunity for local residents and Village officials to work together to maintain and improve the character of Tivoli. The T.C.A. sparked an interest in recycling which led to a mandatory recycling resolution by Village officials. In addition, the TCA sponsored a Village Wide Yard Sale Day which drew 1000 visitors to the Village in 1989 and raised money for the rehabilitation of the Old Firehouse. As a non-profit organization, the TCA will be involved in fund-raising activities for the Old Firehouse and other projects.

C. **Management Structures Necessary to Implement the Local Waterfront Revitalization Program**

The Mayor of the Village of Tivoli and the Village Board will be responsible for overall management and coordination of the LWRP.

Each Village agency will be responsible for determining whether its actions are consistent with the LWRP. The Planning Board will make recommendations to the agencies, Mayor, and Village Board concerning consistency of actions with the Local Waterfront Revitalization Program.

Whenever a proposed action is located within the Waterfront Revitalization Area, the local agency under whose jurisdiction that action falls shall, prior to approving, funding or undertaking the action, make a determination that the action is consistent with the LWRP. Prior to making a determination, the agency shall refer the action to the Planning Board for review and recommendation as to whether the action is consistent with the LWRP. The Planning Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modifications that can make the action consistent with the LWRP or better advance the LWRP policies and standards. The recommendations of the Planning Board shall be made in written form and considered by the local agency in making its finding concerning consistency.

If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not be inconsistent with such LWRP policy standards and conditions;
2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
3. The action will result in an overriding Village, regional or State-wide public benefit; and
4. The action will advance one or more of the other LWRP policy standards and conditions.

Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Board. Such files shall be made available for public inspection upon request.

D. Financial Resources Available to Implement the Waterfront Program

The Village will depend upon the Department of Environmental Conservation for construction of the boat launch. The Estuarine Sanctuary Management Program should develop the recreational facilities associated with North Tivoli Bay as part of the implementation of the Management Plan. Repair of the bulkhead at the Landing would be part of any proposal to use the Landing for docking of commercial vessels.

The assistance of community or civic organizations will be essential in the expansion of Memorial Park and renovation of the Old Firehouse.

As appropriate, the Village will also seek the assistance of other governmental entities. The Dutchess County Planning Board has provided valuable professional services to the Village in the past. The nomination of historic resources to the National Register of Historic Places could be assisted by a grant from the New York State Council on the Arts. The Village could also seek participation in the Certified Local Government Program of the Office of Parks, Recreation and Historic Preservation.

As permitted by the Department of State, the Village will use implementation funding from the State Coastal Management Program to support its proposed projects.

E. Review of Proposed State and Federal Actions

The Village will review proposed State and federal actions within the waterfront area in accordance with procedures established by the New York State Department of State. Such procedures are set forth in Appendix A.