

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

Implementation of the policies in Section III and the proposed uses and projects in Section IV will depend upon various regulatory, administrative, and financial techniques. These implementation techniques are described in this section under five subheadings:

- A. Local Laws and Regulations
- B. Other Public and Private Actions
- C. Management Structure
- D. Financial Resources
- E. Actions Implementing Local Policies

A. LOCAL LAWS AND REGULATIONS

1. Existing Local Laws and Regulations

Village. The principal means of regulating land uses and development impacts within the Village are its zoning ordinance and its sewer ordinance.

- a. Zoning Ordinance of the Village of Waddington, New York (adopted October 24, 1968). The Village's zoning ordinance consists of 23 sections as follows:

SECTIONS 1, 2, and 3 cover the title, purposes, and definitions, respectively.

SECTION 4 establishes four zoning districts (R-1, One and Two Family Residential; R-2, Multiple Family Residential; B-1, General Business; and I-1, Industrial).

SECTIONS 5 and 6 establish the zoning map (see Plate 23) and provide rules for its interpretation, respectively.

SECTION 7 provides for the applicability of the regulations.

SECTION 8 through 11, inclusive, set forth the permitted uses, required lot sizes, maximum percentage of lot coverage, yard requirements, and requirements for accessory buildings in each of the zoning districts.

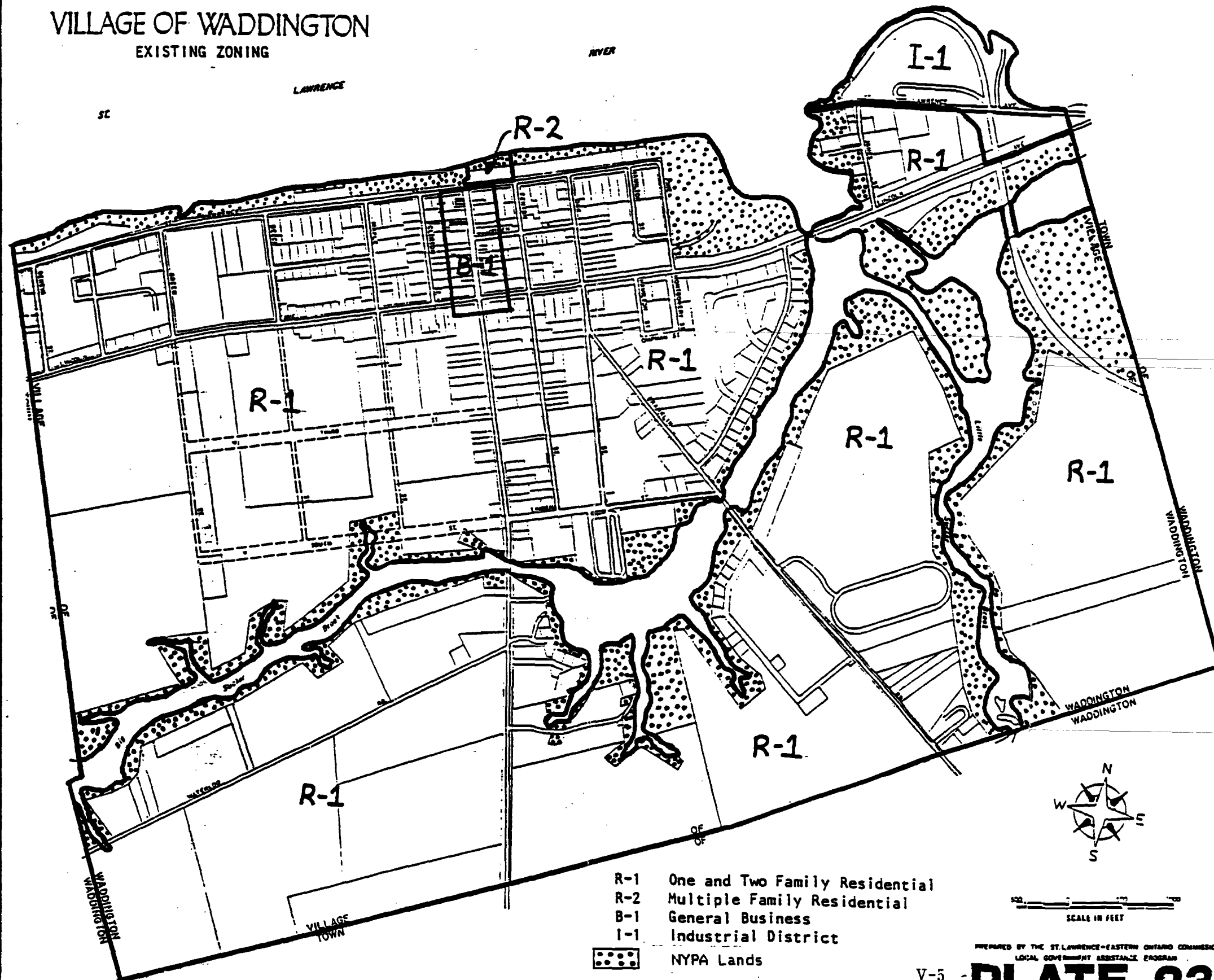
SECTION 12 provides supplementary regulations covering dwellings on small lots, corner lots in residential districts, garages on adjoining lots, roadside stands, averaging front yard depth, reduction of lot area, off-street parking, and mobile homes.


SECTION 13 covers non-conforming uses.

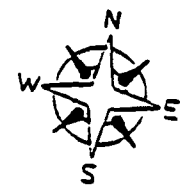
SECTIONS 14 through 17, inclusive, provide for enforcement by a Building Inspector, building permit issuance only in conformity with provisions of the zoning ordinance, a certificate of occupancy prior to use or occupancy of land or buildings, and fees for such permit and certificate, respectively.

VILLAGE OF WADDINGTON

EXISTING ZONING



- R-1 One and Two Family Residential
- R-2 Multiple Family Residential
- B-1 General Business
- I-1 Industrial District
-  NYPA Lands







SCALE IN FEET




PREPARED BY THE ST. LAWRENCE-EASTERN ONTARIO COMMISSION
LOCAL GOVERNMENT ASSISTANCE PROGRAM

DEVELOPMENT SUITABILITY
MAP
(EXISTING)

TOWN OF WADDINGTON

OVERLAY AREAS

-  NATURAL RESOURCE AREA
-  LIMITED DEVELOPMENT AREA
-  RURAL DEVELOPMENT AREA
-  EXCLUDED LANDS

-  WATERFRONT AREA
-  FRESHWATER WETLANDS
-  FLOODPLAINS

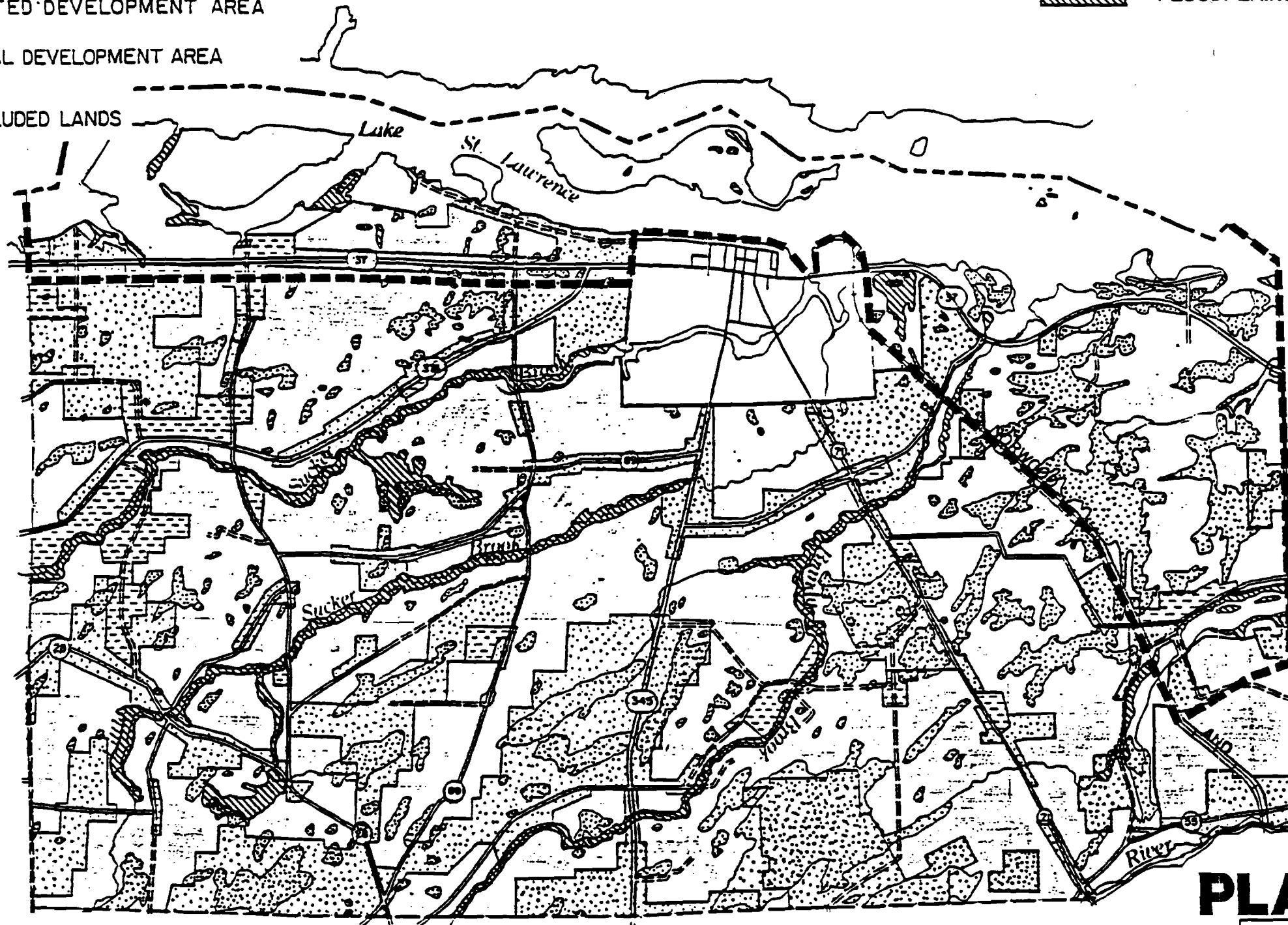
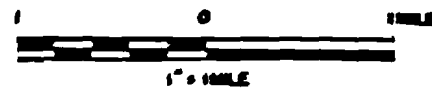


PLATE 24

PREPARATION OR REVISION DATES			
DATE	MADE BY	DATE	MADE BY
9/28/83	D.H.Q.		
10/4/85	"		
3/6/85	"		

* The official Development Suitability Map (with property line information at 1 in.=2,000 ft.) is available for inspection at the Town Clerk's office.

The Development Code's six sections are summarized as follows:

SECTION 1, GENERAL PROVISIONS. The first section consists of Introductory Provisions (Authority, Short Title, Effective Date, and Purpose); Development Suitability Provisions (Establishment of Development Suitability Areas, Development Suitability Plate as shown on Plate 24, and Regulation of Development Suitability Areas); and Other Provisions (Applicability, Interpretation, Conflicts, Separability, Violations and Penalties, and Nonconforming Uses, Lots, and Structures).

SECTION 2, DEVELOPMENT SUITABILITY REGULATIONS. Section 2 sets forth the area requirements, compatible uses, and exceptional developments for each Development Suitability Area classification: Natural Resource Areas (NR), Limited Development Areas (LD), and Rural Development Areas (RD). This section also adds special requirements for exceptional developments in all Development Suitability Areas. The requirements of this section are summarized in a Development Suitability Schedule.

SECTION 3, SUPPLEMENTAL REGULATIONS. This section establishes Overlay Regulations for the waterfront area, freshwater wetlands, and floodplain. It provides for the regulation of Mobile Home Courts and Signs. Special setback requirements are included for waterfront lots, multiple frontage lots, averaging for in-fill development, and visibility at intersections. The section also regulates off-street parking, unlicensed motor vehicles, filling and excavating. Finally, the section concludes with Site Plan Review Regulations.

SECTION 4, PERFORMANCE STANDARDS AND CONDITIONS. This section sets down standards for all compatible uses, special uses, and exceptional developments. In addition, it provides conditions that apply to the approvals of special uses and exceptional developments.

SECTION 5, ADMINISTRATION AND ENFORCEMENT. Section 5 covers requirements and procedures for Development Permits; the authority, powers, and duties of the Development Permit Administrator; and procedures for Planning Board and Town Board approvals. This section also provides for appeals and standardized application requirements.

SECTION 6, DEFINITIONS. The final section lists both general meanings and specific definitions.

- b. Town of Waddington Sanitary Regulations (adopted September 12, 1977). These regulations govern the disposal of sewage and the location, design, and construction of new individual sewage disposal systems in the Town. New York State Department of Health standards are incorporated by reference. The repair, alteration, or enlargement of existing systems must comply with these regulations. Provisions are included for approval of alternative and innovative systems, site inspections, permits, and enforcement.

Assessment

Village regulatory techniques for implementing the policies and purposes of this program were presently inadequate. Although the zoning and sewer ordinances addressed many of the applicable development and water quality policies in Section III, an array of other policies were addressed only peripherally or not at all. Also, the proposed land uses of Section IV could not be implemented by the Zoning Ordinance.

Those policy areas which lacked regulatory means of implementation are as follows:

- (1) promotion of water-dependent and water-enhanced uses;
- (2) protection, restoration, and recreational use of fish and wildlife habitats;
- (3) protection of public access and recreation sites from the negative impacts of adjacent private development and emphasis on public access as a multiple use;
- (4) protection of historic, archeological, and scenic resources; and
- (5) control of non-point water pollution and surface water quality.

The balance of applicable policies relies on either state or federal regulations or local non-regulatory measures.

The Town's Development Code, on the other hand, would fully implement those policies and purposes of this program applicable to its waterfront area. While the code was structured to guide future land use and development based on suitability and protection of natural resources, it was also designed with specific regulatory means for implementing coastal policies. The Waterfront Area Overlay was included with the provision that uses therein, if subject to site plan review requirements of the code, would be reviewed using the policies of this program as standards.

One and two-family residential uses, agricultural uses and structures and structural additions under 500 sq. ft. in area were exempted from site plan review. Although such development would not be subject to the coastal policies directly, their future distribution and impacts would be adequately handled by the basic arrangement of Development Suitability Areas and the performance standards within the code. The Town's Sanitary Code is one such performance standard.

Land subdivision is the only activity for which the Development Code would not provide adequate regulatory means of implementing the program's policies and purposes. The potential sale and development of New York Power Authority surplus lands draws attention to this shortcoming.

2. Additional Local Laws and Regulations Adopted to Implement LWRP

To resolve shortcomings in their existing regulatory means for implementing this program, the Village and Town enacted the following:

Village

a. Amendments to the Zoning Ordinance.

- (1) Section 2. Purposes: This section was amended to include implementation of the policies and purposes of the Local Waterfront Revitalization Program as one of the purposes of the zoning ordinance.
- (2) Section 4. Districts: The amendment of this section created a Waterfront Overlay District wherein all uses, except one- or two-family residential uses, will be subject to site plan review as described under item d. below.
- (3) Section 5. Plate: This amendment entailed the adoption of a new zoning map (See Plate 25) to clarify existing district boundaries and to delineate the aforementioned Waterfront Overlay District.
- (4) SECTION 15. Building Permit: Site Plan Review was added as an amendment to this section. Prior to the issuance of a building permit, a site plan will be required for review and approval by the Village Planning Board. State and local coastal policies are included as standards for the site plan review.

- b. LWRP Consistency Law. As is expected of all communities with LWRP's approval by the NYS Secretary of State, an LWRP Consistency Law was enacted by the Village of Waddington. This local law would obligates each board, office, officer, or agency of the Village to undertake proposed actions in the waterfront area in a manner consistent with the policies and purposes of the LWRP. Local consistency review procedures would be provided in such Law.

Town

a. Development Code Amendments.

- (1) Section 1, Paragraph 1.22, Development Suitability Plate: Prior to adoption in 1985, the proposed Development Suitability Plate was adjusted to remove any and all public lands from the Development Suitability Areas. Proposed land sales by the New York Power Authority have pointed the need to review the map. All land in the Town--public or private--was classified into Development Suitability Areas. (See Plate 26)

- (2) Section 3, Paragraph 3.11, Waterfront Area was amended to include the actual State and local policies of the LWRP in an appendix to the Development Code rather than simply referring to those set forth in the Joint Local Waterfront Revitalization Program.
- (3) Site Plan Review Regulations. Although the Development Code gives Waddington Planning Board authority to review and approve, approve with modifications, or disapprove site development plans, no specific regulations are included for specifying site plan content, review procedures, or approval standards. Separate regulations were adopted by the Planning Board (subject to Town Board approval) for this purpose.
- (4) Subdivision Regulations. Given the potential for substantial land subdivision associated with the anticipated sale of NYPA lands, subdivision regulations will be necessary. Although the Town Board originally gave its Planning Board subdivision review authority in the resolution which created it, no subdivision regulations were actually prepared. The Planning Board has prepared and adopted such regulations which has been approved by the Town Board. The Town Board adopted a separate local law for enforcement of subdivision regulations.
- (5) LWRP Consistency Law. The Town has adopted an LWRP Consistency Law comparable to that described above for the Village.

B. OTHER PUBLIC AND PRIVATE ACTIONS

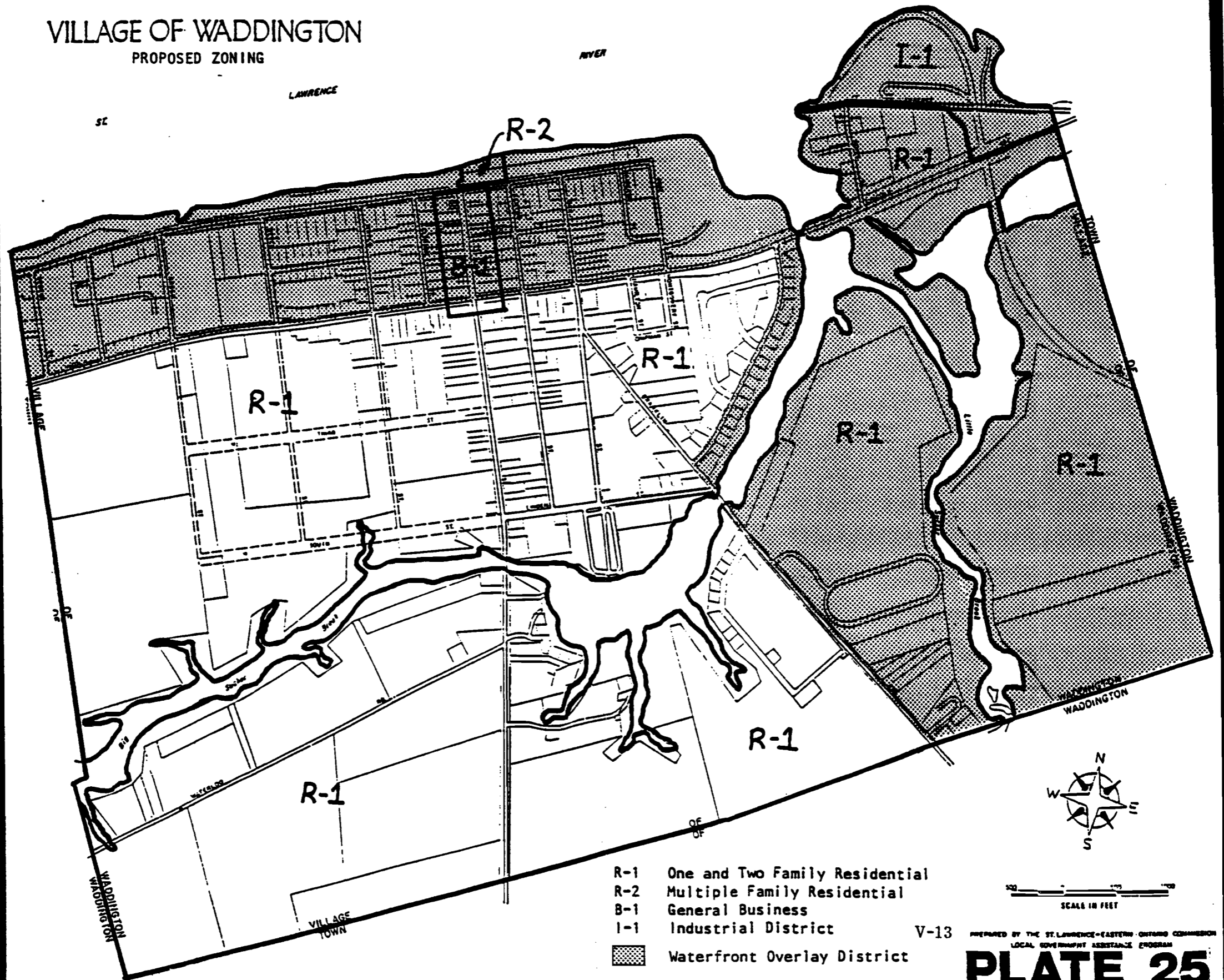
Village/Town


1. Sale of NYPA Lands. This section is the most significant for revitalization and economic development activity in the Village and Town waterfront areas. Land held idle since the construction of the St. Lawrence Power Project will be reintroduced to the private market. With aggressive and widespread marketing measure, it is reasonable to expect new second home development and, possibly, the attraction of resort and private recreation interests. No other areas along the N.Y. side of the St. Lawrence River have such potential; and none were afforded such an opportunity for overall planned and coordinated development. The NYPA lands hold much promise for avoiding the piecemeal and often overdeveloped character evident in many portions of the Thousand Islands. Careful land use guidance, control for good design, and sensitive treatment regarding scenic views, public access, impacts on fish and wildlife habitats and physical limitations to development will be needed.

The New York Power Authority should work closely with the Village and Town---as well as with other county, state, and federal agencies---to optimize economic benefits within a sound resource management framework.

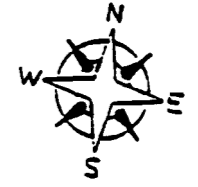
VILLAGE OF WADDINGTON

PROPOSED ZONING



- R-1 One and Two Family Residential
- R-2 Multiple Family Residential
- B-1 General Business
- I-1 Industrial District
-  Waterfront Overlay District

V-13 PREPARED BY THE ST. LAWRENCE-EASTERN ONTARIO COMMISSION LOCAL GOVERNMENT ASSISTANCE PROGRAM






SCALE IN FEET




PLATE 25

DEVELOPMENT SUITABILITY
MAP
(PROPOSED)

TOWN OF WADDINGTON

OVERLAY AREAS

-  NATURAL RESOURCE AREA
-  LIMITED DEVELOPMENT AREA
-  RURAL DEVELOPMENT AREA

-  WATERFRONT AREA
-  FRESHWATER WETLANDS
-  FLOODPLAINS

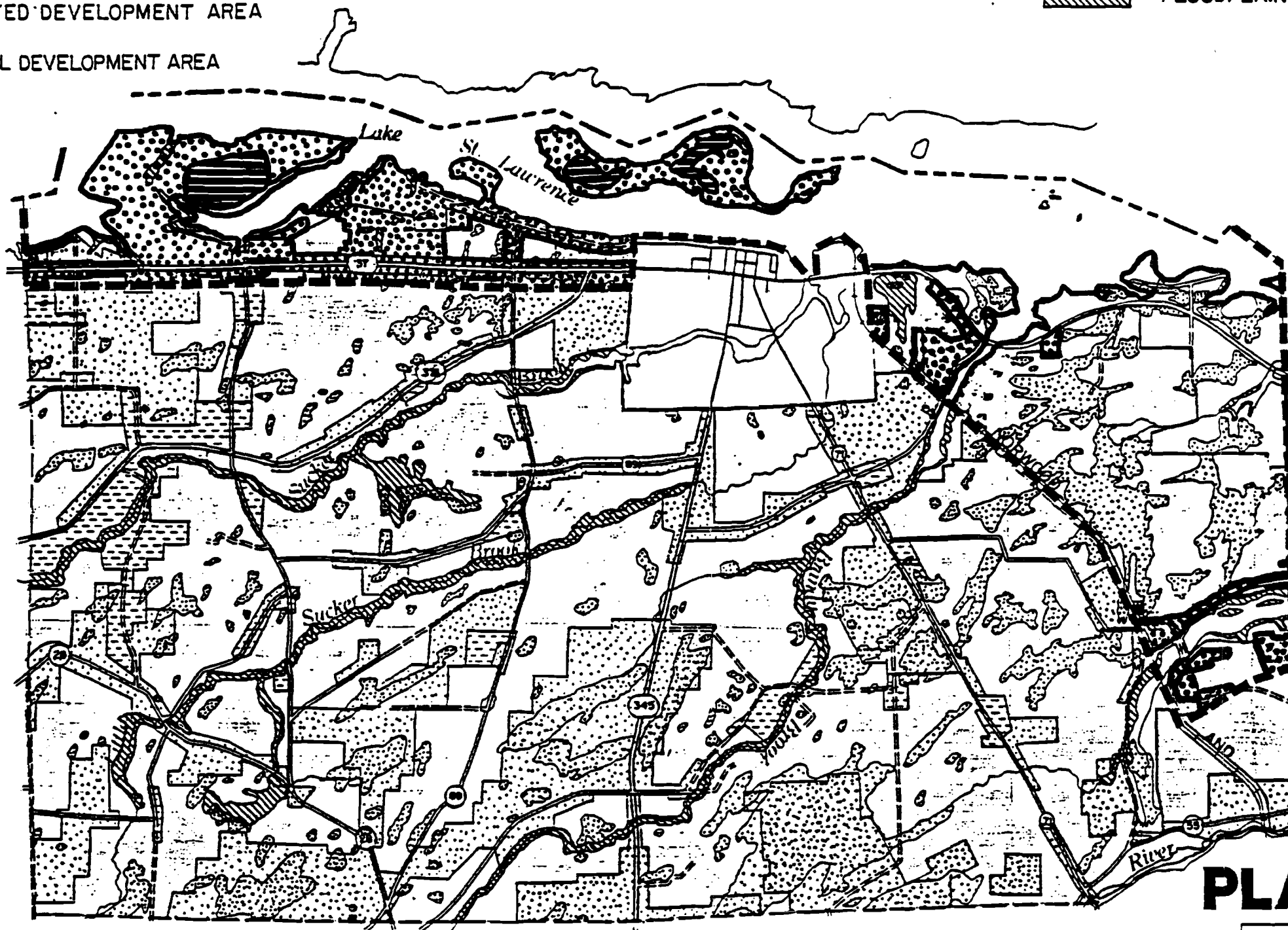


PLATE 26

← The official Development Suitability Map
(with property line information at 1 in.=2,000 ft.)
is available for inspection at the Town Clerk's office.

V-15

PREPARATION OR REVISION DATES			
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3/6/85	" "		

2. **Negotiations with NYPA re: Private Water-Dependent Uses.** Private marinas, whether in conjunction with resort development or not, will still be excluded from the shoreline unless NYPA's land sales also are accompanied by the ability to negotiate for lease of immediate shoreline use. It is difficult to conceive of successful tourism expansion in the waterfront area if NYPA's retention of the immediate shoreline precludes all water-dependent uses other than flood control.

Village and Town officials will encourage and, hopefully, participate with NYPA, regarding such negotiations. Such marketing of NYPA's surplus lands may depend on its ability to offer resort development interests means of including water-dependent uses in their plans.

3. **Habitat Study.** Limited documentation is currently available regarding the Brandy Brook, Coles Creek, and Whitehouse Bay fish and wildlife habitats. In cooperation with the NYS Department of Environmental Conservation, the St. Lawrence-Eastern Ontario Commission, the local chapter of the Audubon Society, and others, the Town proposes a study of local habitat areas in relation to intended sales of surplus NYPA lands. In addition, the vast area of upland and forested wetland habitat between Brandy Brook and Coles Creek would be investigated to determine its value as habitat area and its relative importance to the two stream habitats.

Town Only

1. **Iroquois Dam Interpretative Park Feasibility Study.** Separately, the Town proposes that a feasibility study be undertaken in conjunction with NYPA to determine if a multi-purpose interpretative park could be developed along the shoreline at the Iroquois Dam. The park might feature displays highlighting the history of the St. Lawrence River Power Project (with photos of before, during, and after its construction), a large map or series of air photos of the "power pool", and general information on the importance of hydroelectric power production, the power grid, and NYPA itself.

In addition to interpretative facilities, the park might include a small observation tower for viewing the dam and distant locks, a passive shoreline area for viewing passing ships, and picnic area(s). These (and possibly other) facilities would serve a dual purpose as adjoining surplus lands are sold and developed by private interests. Seasonal residents and visitors to any resort establishments would have a public access and recreation area.

C. MANAGEMENT STRUCTURE

Village

1. **Lead Agency - Village Board of Trustees - execution of categorical responsibilities** (through coordination of the Mayor for aspects such as infrastructure capacity, coordination with volunteer and private organizations, and local government cooperation.

2. **Principal Local Official - Mayor (for overall program management and intergovernmental coordination on program policy).**
3. **Other management entities:**
 - a. **Village Board - prioritizing program projects and activities; determining the compatibility of waterfront activities with program policies and objectives, and review and approval of site plans for all new development within the waterfront.**
 - b. **Zoning Board of Appeals - the hearing and rendering of decisions on variances, special permits and appeals from and review of any order, requirement, decision, or determination made by the Building Inspector pertaining to the waterfront.**
 - c. **Enforcement Officer - determination of the compliance of waterfront land use and development proposals with the zoning law, the issuance of permits therefor and enforcement.**
 - d. **Superintendent of Public Works - coordination of operation and maintenance for public waterfront facilities.**
 - e. **Village Clerk - communication, record keeping and fiscal management for Village government actions pertaining to the waterfront.**

Town

1. **Lead Agency - Town Board - execution of categorical responsibilities (through coordination of the Town Supervisor) for aspects such as infrastructure capacity, coordination with volunteer and private organizations, and local government cooperation.**
2. **Principal Local Official - Town Supervisor (for overall program management and intergovernmental coordination on program policy).**
3. **Other management entities**
 - a. **Planning Board - provision of advice and assistance to the Town Board and the public in prioritizing program projects and activities; provision of input/feedback to the Town Board on the compatibility of waterfront activities with program policies and objectives, review and approval of site plans for all new development within the waterfront, and approval of certain Special Uses or Exceptional Developments.**
 - b. **Enforcement Officer - determination of the compliance of waterfront land use and development proposals with the Site Plan Review regulations, the issuance of permits therefor and enforcement.**

- c. Town Highway Superintendent - coordination of operation and maintenance for public waterfront facilities.
- d. Town Clerk - communication and record keeping for LWRP implementation activities.
- e. Shared LWRP Implementation specialist-training, grants, reviews.

Village/Town Compliance Procedures

In general, the procedures for assuring compliance with the coastal policies of the LWRP consist of the administration and enforcement of zoning (Village), the Development Code (Town), and other local laws applicable to its waterfront in conjunction with the environmental review procedures required by the State Environmental Quality Review Act (SEQRA). Each proposed action by the Village/Town to directly undertake or to permit, fund, or otherwise approve a project, use or activity contemplated within its waterfront will be processed as follows:

1. Initial Review. In keeping with NYCRR Part 617.5, the Enforcement Officer will review each such project, use or activity in consultation with the applicant and/or the board, department, office, officers, or other body of the Village that would be involved. This review will identify:
 - a. Village/Town actions required (permits, funding or approvals) and the board, department, office, officer, or other body responsible for such actions;
 - b. whether such actions are subject to the provisions of SEQRA as Type I or Unlisted Actions;
 - c. whether such actions might conflict with the LWRP; and
 - d. any other agencies that may be involved.
2. Advisement and Assistance. The Enforcement Officer will advise the applicant and/or the board, department, office, officer, or other body regarding the initial review, required forms and further procedures to be followed. In addition, the Enforcement Officer will provide assistance in the preparation of:
 - a. Village/Town application forms (if applicable);
 - b. Environmental Assessment Forms (EAF's) for all Type I and Unlisted Actions; and
 - c. Waterfront Assessment Forms (WAF's) for actions subject to SEQR involving permits, funding, or approvals from state or federal agencies.

3. **SEQR and LWRP Consistency Review.** Upon receipt of completed EAF's (and WAF's, if applicable) and, when appropriate, application forms, the Enforcement Officer will immediately initiate procedures pertaining to lead agency designation and determination of significance in accordance with NYCRR Parts 617.6 and 617.7. At the same time, any actions determined in the initial review to involve potential conflicts with the LWRP will be referred to the Planning Board for compliance review as follows:
 - a. The Planning Board will, within thirty (30) days from the date of referral, prepare a written report to the lead agency describing specific conflicts involved, if any, and recommending approval, approval with modification (to mitigate the conflicts) or denial (to avoid the conflicts).
 - b. In making such recommendations, the Planning Board will consult as may be appropriate with the applicant, the lead agency, and/or other involved agencies.
 - c. Waterfront Assessment Forms (WAF's) for actions subject to SEQR involving permits, funding, or approvals from state or federal agencies.

4. **SEQR and LWRP Consistency Review.** Upon receipt of completed EAF's (and WAF's, if applicable) and, when appropriate, application forms, the Enforcement Officer will immediately initiate procedures pertaining to lead agency designation and determination of significance in accordance with NYCRR Parts 617.6 and 617.7. At the same time, any actions determined in the initial review to involve potential conflicts with the LWRP will be referred to the Planning Board for compliance review as follows:
 - a. The Planning Board will, within thirty (30) days from the date of referral, prepare a written report to the lead agency describing specific conflicts involved, if any, and recommending approval, approval with modification (to mitigate the conflicts) or denial (to avoid the conflicts).
 - b. In making such recommendations, the Planning Board will consult as may be appropriate with the applicant, the lead agency, and/or other involved agencies.
 - c. If the action would be subject to site plan approval by the Planning Board, then that board shall integrate the compliance review with the site plan review procedures to the maximum possible extent, provided that the provisions of SEQRA have been satisfied before taking action on such site plans.
 - d. All other boards, departments, offices, officers, or other bodies shall include the Planning Board's LWRP compliance review recommendations as well as SEQR determinations in rendering decisions whether taking actions as lead agencies or as involved agencies.

D. FINANCIAL RESOURCES

Implementation activities for this program will require a commitment of financial resources by the Village and Town, the State of New York, and, possibly, the federal government. Estimates of such resources are listed below by community, implementation activity, and source:

Village

1.	Projects (from Section IV)		
	NYS Office of Parks, Recreation and Historic Preservation (Environmental Quality Bond Act funding)	\$203,000	Grant
	Village (cash and in-kind)	<u>203,000</u>	Match
		\$406,000	Total
2.	Proposed Local Laws and Regulations		
	St. Lawrence-Eastern Ontario Commission Technical Assistance (cash and in-kind)	\$ 1,100	
	Village (cash and in-kind)	<u>100</u>	
3.	Other Public and Private Actions		
	Sale of NYPA Lands, Negotiations with NYPA for Private Water-Dependent Uses, and Habitat Study (costs to be determined at a later date)	***	
4.	Management Structure, Consistency Reviews, and Grantsmanship re: Federal Resources		
	NYS Department of State, Implementation Grant for Shared LWRP Implementation Specialist (1/2 time position with Village of Waddington)	\$ 10,000	
	St. Lawrence-Eastern Ontario Commission	2,500	
	Village (cash and in-kind)	3,750	
	Town (cash and in-kind)	<u>3,750</u>	
		\$ 20,000	Total

Town

1. Projects (from Section IV)

NYS Office of Parks, Recreation and Historic Preservation (Environmental Quality Bond Act funding)	\$ 46,950 Grant
Town (cash and in-kind)	46,950 Match
US Dept. of Interior, National Park Service (Land and Water Conservation Fund)	93,900 Grant*
	\$ 187,800 Total

*Using the EQBA and Village match as combined match

2. Proposed Local Laws and Regulations

St. Lawrence-Eastern Ontario Commission Technical Assistance (cash and in-kind)	\$ 2,875
Town (cash and in-kind)	<u>75</u>
	\$ 2,950 Total

3. Other Public and Private Actions

Sale of NYPA Land, Negotiations with NYPA for Private Water-Dependent Uses, and Habitat Study and Iroquois Dam Interpretive Park Feasibility Study (costs to be determined at a later date)	***
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4. Management Structure, Consistency Reviews,
and Grantsmanship re: Federal Resources
(see Village)

E. REVIEW OF PROPOSED STATE AND FEDERAL ACTIONS

The Town and 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 C.

TABLE I

SUMMARY OF LWRP POLICY IMPLEMENTATION

<u>IMPLEMENTATION MEASURES</u>	<u>POLICIES IMPLEMENTED</u>
<u>VILLAGE</u>	
1. Existing and Proposed Local Laws and	1, 1A, 2, 5, 5A, 9, 18, 18A, 18C, 19, 20, 21, 25, 25A, 30, 31, 33, 37, and 38.
2. Existing and Proposed Local Laws and Regulations	
a. Existing Zoning Ordinance	1, 1A, 5, 5A, 6, and 18.
b. Existing Sewer Ordinance	5A, 5C, 7, 7B, 7D, 8, 30, 33, and 38.
c. Proposed Zoning Amendments	(All applicable policies)
d. Proposed LWRP Consistency Law	(All applicable policies)
3. Other Public and Private Actions	1, 1A, 2A and B, 7, 7A-7E, 8, 9, 18, 18A and C, 19, 19A, 21, 21A, 22, and 44.
4. Management Structure, Compliance Prodecures, Federal; State Consistency and Financial Resources (including grantsmanship)	(All applicable policies)
<u>Town</u>	
1. Proposed Projects	1, 1B, 2, 5A, 9, 18, 18A and C, 19, 20, 21, 25, 25B, 30, 31, 32, 37, and 38.
2. Existing and Proposed Local Laws and Regulations	
a. Existing Development Code	(All applicable policies)
b. Existing Sanitary Code	5, 5B, 5C, 7, 7A-E, 8, 30, 32, and 38.
c. Proposed Development Code Amendments	(All applicable policies)
d. Proposed Site Plan Review Regulations	(all applicable policies)

- e. Proposed Subdivision Regulations (all applicable policies)
 - f. Proposed LWRP Consistency Law 1, 1B, 2, 2A, and B, 7, 7A-E, 8, 9, 18, 18A and C, 19, 19A, 21, 22, and 44.
3. Other Public and Private Actions (All applicable policies)
4. Management Structure, Compliance Procedures, Federal; State Consistency and Financial Resources (including grantsmanship) (All applicable policies)