

SECTION III

LOCAL POLICIES
AND
APPLICABLE STATE POLICIES

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State Coastal Policies Not Applicable to the Local Waterfront Area

The following State Coastal Policies have been determined to be not applicable to the local waterfront area of the Village of Cape Vincent:

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DEVELOPMENT POLICIES

DEVELOPMENT POLICIES

POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

Policy 1A Promote the revitalization and redevelopment of the following areas: (1) Cape Vincent village park; (2) the Club Street area bordered by and including Esselstyne, James and Gouvello Streets, and the Wolfe Island ferry dock; (3) Cape Vincent Town Garage; (4) waterfront end of Market Street; (5) waterfront end of Real Street; and (6) waterfront end of Point Street. (See Section Four, Proposed Projects and Section Five, Other public and Private Actions.)

Explanation of Policy

All levels of government (federal, State and local) must ensure that their actions further the revitalization of the waterfront area. Waterfront redevelopment is one of the most effective means of stabilizing or rejuvenating adjacent residential and commercial districts. In Cape Vincent, this policy is especially applicable in six deteriorated and underutilized waterfront locations.

With the local economy dependent upon tourism and recreation, the village is committed to promoting beneficial use of these areas in a manner supportive of public access and recreation, protective of visual quality, and sensitive to fish and wildlife resources.

1. The following guidelines should be used when a government agency is assessing actions in the deteriorated and underutilized areas of the village:

a) Priority should be given to marinas, marine-related commercial uses, riverfront public access and recreation facilities, and other uses dependent on a location adjacent to the water.

b) The action should complement and enhance the area and existing uses by:

- 1) improving deteriorated conditions;
- 2) leading to development that is compatible with the character of the village in terms of scale, architectural style, density, and intensity of land use as described in Section two, pp. II-7 and II-8;
- 3) serving as a catalyst for private investment in the area;
- 4) improving adjacent and upland views of the river; and at a minimum, not affecting important views in an insensitive manner.

c) The action should have the potential to:

- 1) improve opportunities for multiple use of the site;

- 2) benefit the village's economic base (and at a minimum, not jeopardize it).
2. If a government agency action is proposed for a site outside a deteriorated, underutilized waterfront area suitable for redevelopment, and within Cape Vincent or an adjacent coastal community, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized waterfront area in question. If so, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

Due to the importance of the international ferry to Cape Vincent's commercial harbor and entire economic structure, any action which would adversely affect the operation of the international ferry would substantially hinder the successful and purposeful revitalization and redevelopment of Cape Vincent's waterfront areas.

Cross references to other LWRP sections for areas described in Policy 1A are as follows:

- | | |
|-----------|--|
| Policy 1A | (1) Cape Vincent Village Park
(pp. II-10, II-22, IV-3 through IV-5) |
| | (2) Club Street area
(pp. II-22, IV-6) |
| | (3) Cape Vincent Town Garage
(pp. II-22, IV-6) |
| | (4) waterfront end of Market Street
(pp. II-13, II-22, IV-7) |
| | (5) waterfront end of Real Street
(pp. II-13, II-22, IV-7) |
| | (6) waterfront end of Point Street
(pp. II-13, II-22, IV-7) |

POLICY 2 FACILITATE THE SITING OF WATER DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

Explanation of Policy

There is a small amount of waterfront space available for development. While the undeveloped land is committed to public access to the river, there are some underutilized properties suitable for redevelopment. Although demand for property varies with economic and social conditions, the long-term demand for waterfront space is expected to increase. The traditional method of land allocation (the real estate market) offers little assurance that uses which require waterfront sites will, in fact, have access to the riverfront. To ensure that such water-dependent uses can continue to be accommodated within

the village, all levels of government will avoid undertaking, funding, or approving nonwater-dependent uses which would preempt the reasonably foreseeable development of water-dependent uses.

The following uses and facilities are considered as water dependent:

1. Uses which depend on resources found in the river (for example: fishing);
2. Recreational activities which depend on access to the river (for example: boating, fishing, bird-watching);
3. Structures needed for navigational purposes (for example: breakwalls and lighthouses);
4. Flood and erosion protection structures (for example: breakwaters and bulkheads);
5. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
6. Uses requiring large quantities of water for processing and cooling purposes (for example: fish processing plants);
7. Scientific/educational activities which, by their nature, require access to the river (for example: water resource nature centers; and
8. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent uses, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use that does not depend on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront (e.g., parks, restaurants, or other tourist accommodations). Likely areas for expansion or new development of such uses include locations near the ferry dock, the municipal waterfront recreation facilities, and near other existing water-dependent uses.

If there is no immediate demand for a water-dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered preferable to a non-water-dependent use which involves an irreversible, or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are examples which could be considered as "temporary", non-water-dependent uses.

Uses such as marinas, boat repair facilities, bait and tackle shops, and tourist accommodations should be encouraged along the waterfront in areas where similar facilities already exist. The following locations are designated as those best suited for water-dependent uses (see Plate 7):

- Village Park
- NYS Department of Environmental Conservation dock
- Municipal dock
- Wolfe Island Ferry
- Five commercial marinas
- Public access points at dead-end streets
 - Murray Street
 - Esselstyne Street
 - James Street
 - Point Street
 - Market Street
 - Real Street
 - Kanady Street

In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:

1. Compatibility with adjacent uses -- Water-dependent uses should be located so they enhance or at least do not detract from the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas for odors, noise and traffic. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.
2. Providing for expansion -- A primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State agencies and the village should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.
3. In-place facilities and services -- Most water-dependent uses will require basic public services. Consideration should be given to the availability of public sewers, water lines, adequate power supply, and the ability to accommodate parking.
4. Preference to underutilized sites -- The promotion of water-dependent uses should foster development in underutilized areas within the village.

In promoting water-dependent uses, the following kinds of actions should be considered:

- Priority should be given to the construction and maintenance of boating facilities, roads and parking within areas suitable for water-dependent uses.
- When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to water-dependent uses.

- Where possible, consideration should be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at below market rate.
- State and local planning and economic development agencies should actively promote water-dependent uses.
- Local, State and federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses (the village, DEC, U.S. Army Corps of Engineers).
- Local land use controls should be considered as a tool of the village for assuring adequate space for the development of water-dependent uses and the protection of sensitive areas.

POLICY 3 The State coastal Policy regarding the State's major ports is not applicable to Cape Vincent.

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

Explanation of Policy

This policy recognizes that the traditional activities occurring in and around Cape Vincent's waterfront contribute significantly to the economic strength and attractiveness of the community. Thus, government efforts shall center on promoting and protecting such desirable services and activities as recreational fishing, boating and associated services, historic preservation, the international ferry, the U.S. Customs office (ref. pp. II-17 through II-18) and other compatible activities which have created the village appeal as a tourist destination and a prosperous commercial and recreational harbor and residential area.

The following guidelines shall be used in determining consistency with this policy:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the river.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.

5. The action will not adversely affect the existing economic base of the community, e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water, the harbor area, or the visual quality of the waterfront which is an important component of the village's appeal and identity.

Because recreational boating and fishing, the international ferry, and related businesses are the major activities in the harbor, these uses will be protected and encouraged. New developments or activities will be reviewed for any potential conflicts with these uses. Due to the importance of the international ferry to Cape Vincent's commercial harbor and entire economic structure, any action that would adversely affect the operation of the international ferry would substantially hinder the development and enhancement of this small harbor's economy and unique maritime identity.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATE ITS LOCATION IN OTHER COASTAL AREAS.

Explanation of Policy

Through governmental actions, development in the waterfront area will be encouraged to locate within or in close proximity to existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

This policy is intended to accomplish the following:

- foster an orderly pattern of growth;
- increase the efficiency of existing public services and moderate the need to provide new public services in outlying areas;
- preserve open space in sufficient amounts; and
- where desirable, foster energy conservation by encouraging proximity between home, work, and leisure activities.

In assessing the adequacy of an area's infrastructure and public services, the following points shall be considered:

- a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
- b. The development's water needs (consumptive and fire fighting) can be met by the existing water supply system;

- c. Sewage disposal system can accommodate the wastes generated by the development;
- d. Energy needs of the proposed land development can be accommodated by existing utility systems;
- e. Stormwater runoff from the proposed site can be accommodated by existing utility systems;
- f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities.

- 1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry.
- 2. Development which by its nature is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home development.
- 3. Development which is designed to be a self-contained activity, e.g., a small college or religious retreat.
- 4. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
- 5. Development which because of its isolated location and small-scale has little or no potential to generate and/or encourage further land development.
- 6. Uses and/or activities which because of public safety consideration should be located away from populous areas.
- 7. Rehabilitation or restoration of existing structures and facilities.
- 8. Development projects which are essential to the construction and/or operation of the above uses and activities.

Although Cape Vincent is a rural village, the waterfront is quite highly developed. Public services and infrastructure are generally adequate throughout the waterfront area for current and future development needs. To maintain the village's small town character, emphasis should be placed on preserving remaining open space, rehabilitating and reusing existing building stock, and reviewing new developments and proposed parking improvements (see p. II-22), in the coastal area. Review within the waterfront area will use the criteria established in Policies 23 and 25 in order to determine the suitability of such development.

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

Explanation of Policy

For specific types of development activities and in areas suitable for such development, the Village of Cape Vincent and other government agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulation's objectives is not jeopardized. These procedures and programs will be coordinated within each agency and between other agencies. If necessary, legislative and programmatic changes will be recommended from the local level.

When proposing regulations or revisions, an agency will determine the feasibility of incorporating the regulations within existing procedures if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulation's objectives.

FISH AND WILDLIFE POLICIES

POLICY 7 The State Coastal Policy regarding coastal fish and wildlife habitats of statewide significance is not applicable to Cape Vincent.

Policy 7A The St. Lawrence River, along the Village of Cape Vincent's waterfront, is a locally significant fish and wildlife habitat. The river will be preserved to maintain its viability and value to the village.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and therefore merit protection. The St. Lawrence River along the Cape Vincent waterfront is a locally significant habitat -- primarily because it supports fish and wildlife populations having significant recreational value, and it is essential for the survival of fish and wildlife populations (i.e., as feeding grounds and nursery areas).

In order to protect this habitat, land use development and activities within the Village's jurisdiction and regulatory purview shall not be undertaken if it may destroy or significantly impair the adjacent River's viability as a fish and wildlife habitat. Indicators of a significantly impaired include: reduced carrying capacity, changes in food chain relationships or species diversity, reduced productivity, and/or increased incidence of disease and mortality.

The range of activities most likely to affect significant fish and wildlife habitat includes but is not limited to the following:

1. Filling bays or shallow areas of streams: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
2. Grading land: Results in vegetation removal, increases surface runoff, or

increased soil erosion and downstream sedimentation.

3. Dredging or excavation: May cause change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
4. Dredge spoil disposal: May include shoaling of littoral areas, or change circulation patterns.
5. Physical alteration of shore areas through channelization or construction of shore structures: May change volume and rate of flow or increased scouring, sedimentation.
6. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills: May cause increased mortality or sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.
7. Introduction of new species or large quantities of any species: May change the established balance within the biota.

When potentially damaging actions such as these are proposed, the viability of a habitat may be impaired or destroyed. Such actions are inconsistent with Policy 7A.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Explanation of Policy

Hazardous wastes are unwanted byproducts of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (S27-0901.3) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; (or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

The handling (storage, transport, treatment and disposal) of the materials included on this list is being regulated in New York State to prevent their entry or introduction into the environment. Such controls should effectively minimize possible contamination of and bioaccumulation in the State's coastal fish and wildlife resources at levels that cause mortality

or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws.

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and nonconsumptive uses such as wildlife photography, bird watching and nature study.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources and activities dependent upon them (fishing, charterboat operations, bird watching) which are important to the local economy. Such efforts should be made in accordance with existing State law and sound resource management considerations. Management considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The following additional guidelines should be considered by all government agencies as they determine the consistency of their proposed actions with this policy:

1. Consideration should be made by federal, State and local agencies as to whether an action will impede existing or future utilization of the recreational fish and wildlife resources in the vicinity of the village or accessible from its harbor or other access sites.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting with the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-fishing facilities) must be done in accord with existing State law.

POLICY 10 The State Coastal Policy regarding commercial fishing is not applicable to Cape Vincent.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Explanation of Policy

Flooding: Flood hazard areas in Cape Vincent have been mapped by the Federal Emergency Management Agency (FEMA) on a Flood Insurance Rate Map dated April 17, 1985. Development in the village is subject to flood damage prevention regulations through the village Development Code.

Erosion: Although upland erosion is not a significant problem in the village, coastal erosion along the St. Lawrence River is cause for concern. Two areas of potential erodibility have been identified within the village boundary. A low bluff with no beach near the western edge of the village is identified in the Evaluation of Shore Structures and Shore Erodibility, St. Lawrence River, New York State, 1977 as one of Very High Potential for Erodibility. Another area on the eastern edge, within the Village Waterfront Park, is identified as having Low Potential for Erodibility. A third area of Low Potential for Erodibility occurs on the low bluff along the Village's coastline between Elm Street and William Street. Just west of the village boundary, in the Town of Cape Vincent, is an additional area of Low Potential for Erodibility.

Although coastal erosion is addressed by the State Coastal Erosion Hazard Areas Law of 1981, ECL Article 34 (CEHA) which sets up a development permit system and requires DEC to map all Coastal Erosion Hazard Areas, DEC has stated that they do not have plans to identify Coastal Erosion Hazard Areas in the Village of Cape Vincent. However, the Village of Cape Vincent has identified the three areas mentioned above (see p. II-9, Inventory and Analysis and Plate 8) as erosion hazard areas of local concern. Therefore, erosion problems will be considered in the evaluation of development actions adjacent to these three erosion hazard areas.

For the identified local coastal erosion hazard areas, the following guidelines shall be used to implement this policy:

1. All buildings proposed adjacent to the identified local coastal erosion hazard area shall be set back from the shoreline a distance equivalent to the Flood Hazard Area Boundary as identified on the most recent Flood Insurance Rate Map for the Village of Cape Vincent. This set back does not apply to docks, piers, and other structures necessary to gain access to the water.
2. Any grading, excavating, or other soil disturbance conducted adjacent to the identified local coastal erosion hazard area shall not direct surface runoff over the receding edge.

Also, some cause for concern is the damage caused by ice movement and wind-driven wave action in exposed coastal areas (refer to p. II-9 , Inventory and Analysis). When resistance to these forces is a factor in the design, construction and maintenance of shoreline structures, their durability will be increased and utility prolonged.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTION CAPACITY.

Explanation of Policy

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Cape Vincent's natural protective features are in the form of low bluffs that are associated with the three areas identified as local coastal erosion hazard areas on Plate 8 (and discussed on p. II-9 of Section II, Inventory and Analysis).

For the identified low bluffs associated with the three coastal erosion areas, the following guidelines shall be used to implement this policy:

1. Excavation or mining of bluffs is prohibited except where:
 - a. A minor alteration of the bluff is proposed for the construction of an erosion protection structure; or
 - b. A bluff cut is made in a direction perpendicular to the shoreline to provide shoreline access. The slope of bluff cuts must not be steeper than 1:6 and the side slopes must not be steeper than 1:3. Side slopes and other disturbed non-roadway areas must be stabilized with vegetation or other approved physical means and completed roadways must be stabilized and drainage provided for.
2. Vehicular traffic is prohibited on bluffs.
3. Any grading, excavating, or other soil disturbance conducted on a bluff must not direct surface water runoff over the receding edge.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE REASONABLE

PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS
AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR
ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Explanation of Policy

The breakwater protecting the village harbor area, and shoreline devices such as riprap and bulkheads, provide erosion protection to shoreline structures. The breakwater is currently in good condition. However, improperly designed, constructed, or maintained erosion protection structures fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

POLICY 14 ACTIVITIES AND DEVELOPMENT INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Explanation of Policy

Though flooding and erosion occur naturally, human actions can increase the severity and adverse effects of these processes, causing property loss of damage and endangering lives. Actions which tend to increase flooding and erosion include the use of impermeable erosion protection structures such as groins or solid docks which block the littoral transport of sediment to adjacent shorelands. Such structures increase the rate of shoreline recession. Also, the failure to observe proper drainage or land restoration practices causes runoff and erosion or weakening of shorelands.

Flood and erosion control policy for development is covered under Policy 11.

POLICY 15 The State and Coastal Policy regarding mining, excavation, and dredging is not applicable to Cape Vincent.

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

Public funds are used for a variety of purposes on the State's

shorelines. This policy recognizes the public need for protection of human life and investments in existing or proposed developments which require a waterside location to be able to function. However, it also recognizes the adverse impacts on such activities and developments on the rate of erosion and on natural protective features. The policy requires careful analysis to be made of the benefits and long-term costs prior to expending public funds.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SET BACK OF BUILDINGS AND STRUCTURES; (ii) THE PLANTING OF VEGETATION AND INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area as well as the costs of protection against those hazards which structural measures entail.

Nonstructural measures shall include, but not be limited to:

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law): (a) the use of minimum setbacks as provided for in Section of 34-108; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on bluffs, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and
2. Within identified flood hazard areas, (a) the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, nonstructural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If nonstructural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not nonstructural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared, to allow an assessment to be made.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

Proposed major actions may be undertaken on the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydroelectric power generation and recreation.

Furthermore, proposed actions within Cape Vincent's waterfront must recognize the importance of tourism to the village's economy and the roles that local cultural resources, public access and recreation facilities, water-dependent uses, and the natural coastal environment play in sustaining healthy tourism. Local safeguards augment those of the State in protecting valuable coastal resources.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC, WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

Policy 19A Protect, maintain and improve pedestrian, vehicular and water-borne access to public water-related recreational facilities at the village park and village dock.

Explanation of Policies

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource facility, and the protection of natural resources. Because an imbalance among these factors is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites. The Local Waterfront Revitalization Program will encourage mixed use areas and multiple use of facilities to improve access.

The particular water-related recreation resources and facilities which will receive priority for improved access in Cape Vincent are fishing areas, boating facilities, access roads and passive/active recreational park areas. To optimize the use of these resources, the village must facilitate various

modes of access, including pedestrian, vehicular and waterborne.

In Cape Vincent this policy will be implemented in part by the development of boating, fishing, parking, and other recreational facility development at the village park, as well as improvements to the harbor area for sailboat moorings and to the dead-end street right-of-ways that provide access to the river (see Section Two, pp. II-10 through II-15 and Plate 7). Such publicly-owned properties are to be maintained and improved under Policies 1A and 2. See Section Two, Community and Cultural Resources for the description of public and semi-public facilities.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

The following is an explanation of the terms used in the above guidelines:

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities - lands or facilities held by State or local government in free simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.

- (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State government established poverty level.
 - e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
- 2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 3. Government agencies will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

POLICY 20 ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

Explanation of Policy

Publicly owned lands referenced in this policy have been identified in Policy 19 and in Section Two, pp. II-10 through II-15.

Activities requiring minimal coastal facilities for their enjoyment include bicycling, bird watching, photography, nature study, beachcombing, and fishing. For these activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include the development of a coastal trails system, the provision of access across transportation facilities to the coast, and the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above guidelines:

- a. (See definitions under Policy 19 for "access", and "public lands or facilities").
- b. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered

transportation facilities, electric power transmission lines, or similar linear facilities.

- (2) Pedestrian access is diminished or blocked completely by public or private development.

c. An elimination of the possibility of increasing public access in the future - includes but is not limited to, the following:

- (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
- (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
- (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

a. A reduction in the existing level of public access - includes but is not limited to the following:

- (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- (2) Access is reduced or blocked completely by any public developments.

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. Government agencies will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:

- a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

RECREATION POLICIES

POLICY 21 WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

Water-related recreation in Cape Vincent includes such obviously water-dependent activities as boating and fishing as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as shoreline parks, picnic areas, and scenic viewpoints that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, and historic and cultural resources, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand, but such public actions should avoid competing with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

Cape Vincent has experienced increased demand for access to the river for recreational boating, fishing and general viewing of the river. Since the village's economy depends, to a certain extent, upon the quantity and quality of its water-based recreational facilities, the village will give priority to water-dependent and water-enhanced recreational development, provided it is consistent with other policies of this program and does not jeopardize the character of the village desired by the community. Specifically it will undertake measures to develop and expand recreational facilities in the village park, in the harbor area for sailboat mooring, and at the riverfront dead-end streets that provide public access.

POLICY 22 DEVELOPMENT WHEN LOCATED ADJACENT TO THE SHORE WILL PROVIDE FOR WATER-RELATED RECREATION WHENEVER SUCH USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES, AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development.

The types of development which can generally provide water-related recreation as a multiple use include but are not limited to:

- parks
- highway
- power plants
- utility transmission rights of way
- sewage treatment facilities
- mental health facilities*
- hospitals*
- prisons*
- schools, universities*
- military facilities*
- nature preserves*
- large residential subdivisions (50 units)
- shopping centers
- office buildings

* The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.

Prior to taking action relative to any development, State agencies should consult with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), and the Village of Cape Vincent, to determine appropriate recreation uses. The agency should provide OPRHP and the

village with the opportunity to participate in project planning.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project costs.

Future activities in Cape Vincent to redevelop the James Street area (public and commercial uses near the ferry dock, town garage, etc.), the Market Street area and other waterfront locations should be integrated with the improvement of public access and recreational facilities as multiple uses.

HISTORIC AND SCENIC QUALITY POLICIES

POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

Explanation of Policy

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites.

The policy is not to be construed as a passive mandate but must include active efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship. (See Section Two, Community and Cultural Resources and Plate 8).

Protection includes the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to structures, districts or sites that have historical, architectural or cultural significance for the village, the State or the Nation. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entryways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks,

paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in 1. above plus any other appurtenant fixture associated with a building, structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style; design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

This policy is applicable to the historic structures and the historic district that are listed on the State and National Registers of Historic Places. See Section Two, pp. II-15 through II-17 and Plate 8 for the description and location of these resources. Historic and cultural resources are a major factor in the village's character, particularly since the historic structures identified are scattered throughout the waterfront area.

SCENIC RESOURCES POLICIES

POLICY 24 The State Coastal Policy regarding scenic resources of statewide significance is not applicable to Cape Vincent.

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

Policy 25A Protect and enhance the natural and man-made scenic resources of the community (the river, the waterfront, historic structures, and the small town character of the village) as important features of the local economy and the area's unique identity.

Explanation of Policies

This policy applies specifically to the scenic vistas of local significance as mapped on Plate 8 and described in Section Two. Furthermore, this policy applies to the scenic quality of the remainder of the Village's coastal area as an enhancement or encouragement statement.

When considering a proposed action, agencies shall ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area.

Scenic impairment is defined as: (i) the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

Guidelines for minimizing scenic impairment include:

- siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- removing deteriorated and/or degrading elements;
- maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- maintaining or adding 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;

- using appropriate materials, in addition to vegetation, to screen unattractive elements;
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

Cape Vincent's scenic resources are described in Section Two, Natural Resources and Community and Cultural Resources.

AGRICULTURAL LANDS POLICY

POLICY 26 The State Coastal Policy regarding agricultural lands is not applicable to Cape Vincent.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

Explanation of Policy

Demand for energy in New York will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels, including coal, in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Cape Vincent, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made

consistent with the policies and purposes of the Local Waterfront Revitalization Program.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER, DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, OR INCREASE SHORELINE EROSION OR FLOODING.

Explanation of Policy

Before ice management activities are undertaken, an assessment must be made of the potential affects upon the production of hydroelectric power, fish and wildlife habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of adverse effects must be used if the proposed action is to be implemented.

POLICY 29 The State Coastal Policy regarding off-shore energy development is not applicable to Cape Vincent.

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater, but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

DEC has classified its coastal and river waters in accordance with considerations of best usage in the public interest, and has adopted water quality standards for each classification. The classifications and standards are reviewable every three years for possible revision. Local Waterfront Revitalization Programs and State Coastal Management Policies shall be

factored into the review process. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limited." Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting," waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development. The village has reviewed the stream classification of the St. Lawrence River and finds the "A" classification to be appropriate for its waterfront program.

POLICY 32 The State Coastal Policy regarding alternative sanitary waste systems is not applicable to Cape Vincent.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

Explanation of Policy

Best management practices include both structural and nonstructural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflow in areas where they create severe water quality impacts. Until funding for such projects becomes available, nonstructural approaches (e.g., improved street cleaning reduced use of road salt) will be encouraged.

Occasionally, after intense periods of rainfall, the village's sewage treatment facility does experience short-term surcharges due, in part, to a high rate of system inflow and infiltration. Should the problem become significant, the village will seek additional funding to upgrade obsolete or deteriorated portions of the system.

POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid or liquid

materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as significant fish and wildlife habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the NYS Department of Environmental Conservation (6 NYCRR, Part 657). The village has very little riverfront property and no jurisdiction over coastal waters. However, new marinas within village limits shall be equipped with sanitary pumpout disposal facilities for boats with marine toilets.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

Explanation of Policy

As noted under Policy 34, the village does not have jurisdiction over coastal waters; therefore, only the potential disposal of dredging spoils can come under the control of this LWRP at the present time.

Dredging projects can be beneficial to the coastal area (maintaining navigation channels at sufficient depths), though they sometimes adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management Policies 7, 15, 24, 26 and 44).

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Explanation of Policy

As noted under Policies 34 and 35, the village does not have jurisdiction over coastal waters. However, the village riverfront would be affected by spills in adjacent coastal waters.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (§27-0901.3) as "waste or combination of wastes which because of its quantity,

concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." 6 NYCRR Part 371 lists hazardous wastes.

Safety and spillage containment considerations must be incorporated into the design of storage facilities for petroleum or other hazardous materials, when such facilities are allowed by the Village of Cape Vincent Development Code. For example, above-ground tanks shall be mounted on a concrete pad with a lip or curb to contain spillage. Contractors or applicants shall consult the U.S. Army Corps of Engineers to determine acceptable safety standards for proposed fuel facilities. All agencies will follow new DEC regulations regarding petroleum bulk storage regulations (6 NYCRR Parts 610, 612, 613 and 614).

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SPOILS INTO COASTAL WATERS.

Explanation of Policy

Best management practices used to reduce these sources of pollution include but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. Through the use of the Village Development Code and site plan review provisions, best management practices will be used to reduce such non-point pollution sources if any are identified in the future.

Guidelines regulating development or construction to be used in implementing this policy include the following:

1. Runoff or other non-point pollutant sources from any specific development must not be greater than would be the case under natural conditions. Appropriate techniques to minimize such efforts shall include, but not be limited to, the use of stormwater detention basins, rooftop runoff disposal, rooftop detention, parking lot storage and cistern storage.
2. The construction site, or facilities, should fit the land, particularly with regard to its limitations.
3. Natural ground contours should be followed as closely as possible and grading minimized.
4. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
5. Extreme care should be exercised to locate artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.

6. Natural protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.
7. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
8. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
9. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbances.
10. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume and runoff resulting from facilities constructed.
12. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
13. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.
14. Rather than merely minimize damage, take the opportunity to improve site conditions wherever practicable.

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Explanation of Policy

The St. Lawrence River is the principal source of water supply for the Village of Cape Vincent. Groundwater sources are used to a very limited extent in a few outlying areas of the village not served by the village's water system. Both sources must therefore be protected.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.

Explanation of Policy

Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris, and industrial and commercial waste. Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities.

Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of littoral areas, atmospheric loading, and degradation of scenic resources. Garbage collection in Cape Vincent is handled by a private carrier under contract with the village who hauls the waste to the Town of Cape Vincent landfill, outside the coastal area.

Refer to Policy 36 for explanation of hazardous wastes.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

Explanation of Policy

There are no major steam electric generating or industrial facilities located within the Cape Vincent waterfront area and no such facilities are anticipated. In the event that such facilities are proposed within the waterfront area, review of such projects shall ensure that the facility will "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the state, the public health, and public enjoyment of the receiving waters." The effects of thermal discharges on water quality and aquatic organisms will be considered when evaluating an applicant's request to construct a new steam electric generating facility.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

Explanation of Policy

The Village's Local Waterfront Revitalization Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the waterfront area.

To the extent possible, the State Implementation Plan will be consistent with the land and water use policies of this local program. Conversely, program decisions with regard to specific land and water use proposals and any recommendations with regard to specific sites for major new or expanded energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

POLICY 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF FEDERAL CLEAN AIR ACT.

Explanation of Policy

The policies of the State CMP and the LWRP concerning proposed land and water uses and the protection and preservation of special management areas

will be taken into account prior to any action to change the prevention of significant deterioration land classification in coastal regions or adjacent areas.

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

Explanation of Policy

The Village's Local Waterfront Revitalization Program incorporates the State's policies on acid rain. As such, the local program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

POLICY 44 The State Coastal Policy regarding coastal wetlands is not applicable within the Cape Vincent coastal area.