

SECTION V

TECHNIQUES FOR IMPLEMENTING THE PROGRAM

The Village of Cape Vincent has identified the following actions and financial resources for implementing the policies and projects of the LWRP:

REGULATORY MEASURES

Existing Local Laws and Regulations

The village has shown concern for land use and development activities through several actions: the Village's Comprehensive Plan which includes goals, policies and a land use plan; the village Development Code, enforcement of the NYS Uniform Fire Prevention and Building Code, and Sanitary regulations.

1) Village of Cape Vincent Development Code - This Code was adopted in 1984, in accordance with the Village of Cape Vincent Comprehensive Plan which was adopted by the Village Board in 1983. The purpose of the Development Code is to "promote and guide development in an orderly and efficient manner...reduce land use conflicts...enhance and protect the historical and recreational attributes of the village, retain and improve land values, encourage quality development...and promote the general health and welfare of village residents."

The Code includes regulations for five land use districts; supplemental use regulations that are applicable to the LWRP objectives and policies (regarding signs, recreation and community facilities, etc.); site plan review and regulations pertaining to mobile homes and recreational vehicles, unsafe buildings, and flood damage prevention.

Within the waterfront boundary there are residential, commercial and recreational districts. Their purposes are, respectively, to provide a stable environment for residential living and development; promote the commercial nature of the area and enhance historic, cultural and recreational resources; and recognize the St. Lawrence River shoreline as a unique resource and control future growth in a manner that respects environmental limitations of the river shore and affords maximum public enjoyment or recreational resources.

For each district the Development Code specifies the permitted uses, those permitted by site plan review, and yard and building dimensions. Provisions are included to address non-conforming uses, administration of the Code, violations and penalties, and appeals to the Board of Appeals.

The Development Code's purpose, administrative mechanisms, and regulations provide the level of land use and development control desired by the village. The Code constitutes the village's foremost means of enforcing the Local Waterfront Revitalization Program for policies regarding recreation/tourism, fish and wildlife, public access, development, visual quality, permit procedures, flooding and erosion, water resources and for the general policy. Generally, the regulations provide a substantial level of local control for LWRP policies; deficiencies have been remedied by several Code revisions as described on p. V-4. No changes in the existing land use districts have been made.

2) Sanitary Regulations - "A local law regulating the use of public... sewers and drains, the installation, connection, and building of sewers, and the discharge of waters and wastes into the public sewer system..." was enacted in 1969. The law requires that owners of any property used for human occupancy install suitable toilet facilities and to connect such facilities directly to the public sewer system. In addition, it restricts the types of substances which may be discharged into public sewers and prohibits the deposition of unsanitary wastes on any property or to a body of surface or groundwater in the village except where suitable treatment has been provided.

By controlling the use of public sewers this law implements policies of the LWRP with respect to concentration of development, protection of water, and fish and wildlife resources.

New Local Laws and Regulations Adopted to Implement the LWRP

To implement the LWRP policies more effectively, the following local actions have been adopted:

A. Village Development Code Amendments

- 1) Amend Article IV, Section 4, to establish a Waterfront Overlay District. The district is defined as the land and water area within the NYS Coastal Area Boundary, as identified in the Local Waterfront Revitalization Program. (See Plate 12.)
- 2) Amend Article IV, Section 5, to add to the District Regulations, Use and Dimensional Controls, a new section and definitions for the Waterfront Overlay District. This new section establishes the purpose of the district and define permitted uses and accessory uses, and uses that will require site plan review.
- 3) Amend Article IV, Section 7, (Site Plan Review) to incorporate the applicable policies of this Local Waterfront Revitalization Program into the General Performance Site Plan Review Criteria. Each applicable policy is clearly stated within this section of the Village Development Code for reference in the review process.

Thus, the adopted District and additional review provisions provide a comprehensive means of implementing all applicable coastal policies, by requiring development actions to be consistent with the LWRP policies and purposes.

VILLAGE OF CAPE VINCENT

PLATE 12

Village of Cape Vincent Zoning

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

Scale 1" = 800'



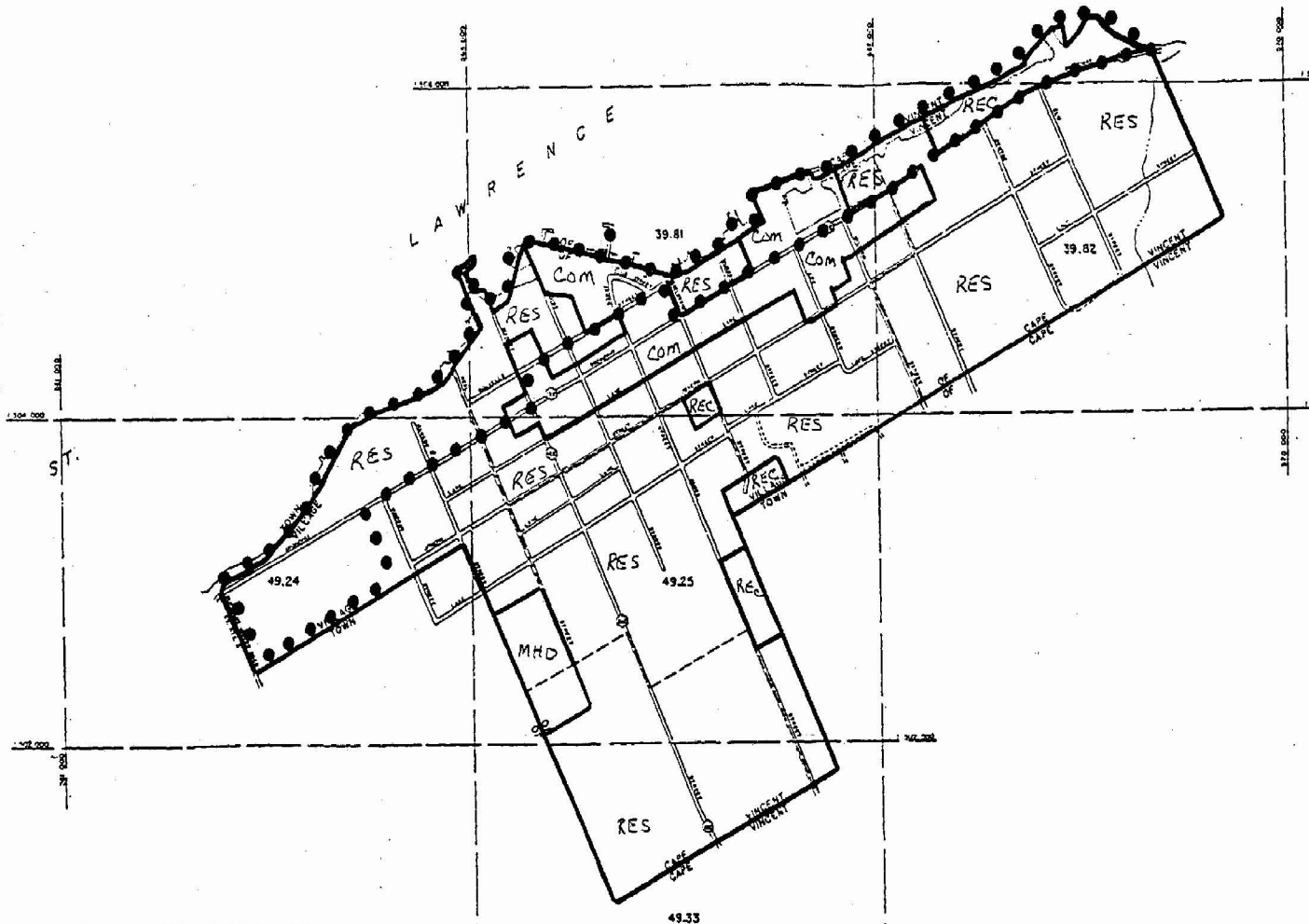
LEGEND

COUNTY LINE	WATER LINE	WATER
TOWN LINE	WATCH LINE	WATER
VILLAGE OFFICE	RAILROAD	WATER
NATIONAL HIGHWAY	STREET OR ROAD	WATER
STATE BOUNDARY	STREAM OR DITCH	WATER
MILITARY BOUNDARY	TAX MAP SECTION NO.	23.77

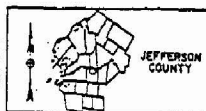
- Existing Zoning Districts
- RES Residential
- REC Recreational
- Com Commercial
- MHD Mobile Home District
- ● ● Waterfront Overlay District Boundary

— Coastal Area Boundary

V-5



PREPARED BY
JEFFERSON COUNTY TAX MAPPING DEPT.
FOR
JEFFERSON COUNTY, NEW YORK



TAX MAP
TOWN OF CAPE VINCENT
VILLAGE OF CAPE VINCENT
JEFFERSON COUNTY, NEW YORK

INDEX
MAP

SCALE 1" = 800'

B. LWRP Consistency Law

A local "consistency law" has been adopted by the village, to ensure that its actions in the waterfront area are consistent to the maximum extent practicable with the policies of this LWRP. Such actions include Development Code district change decisions, determinations by the Board of Appeals, funding, permitting, and other similar actions by the Village Board. To this end, the local law establishes procedures for:

- a. initial review of proposed actions in a manner compatible with SEQR requirements;
- b. advisement and assistance to applicants (if involved) and/or the boards, departments, officers or other bodies of the village regarding forms, procedures, etc.; and
- c. LWRP Compliance and SEQR review through the Village Planning Board and the local lead agency, respectively.

To facilitate the consistency review, a Waterfront Program Consistency Assessment Form, for use by the Enforcement Officer, has been adopted along with the consistency law. Adoption of this law helps implement all coastal policies contained in Section Three. (See Appendix B, Waterfront Program Consistency Assessment Form)

OTHER PUBLIC AND PRIVATE ACTIONS

In addition to the Development Code revisions, other actions will be needed to assure implementation of the LWRP. They include the following:

1) Grant Applications - To make the projects described in Section IV a reality, several State and federal grant applications will have to be prepared by the village or its consultant. See the "Financial Resources" discussion below for details on the financing of each proposed project.

2) Inter-Agency and Inter-Municipal Cooperation - With the village park, Club Street area and sailboat mooring projects in particular, inter-agency and inter-municipal cooperation will be necessary if plans and funding are to be carried out. For example, the town, the village, and DEC are involved with the construction work at the village park; the sailboat mooring project will require a joint effort by the town, the village, the U.S. Coast Guard, and the U.S. Army Corps of Engineers; and the Village Board, Village Planning Board, the Town Board, Chamber of Commerce, Cape Vincent Improvement League, and private business will have to work together to effectively deal with the Club Street improvement project.

3) National Register of Historic Places Nomination - The town and village have received approval of a joint National Register Multiple Resource Nomination which will work to implement LWRP objectives and Policies 1, 4, 5, 18, 23, 25 and 25A.

4) Sailboat Mooring and Harbor Evaluation - Initial stages of the sailboat mooring project will include evaluating the harbor area in terms of its suitability for the project, determining the costs, and pursuing the necessary funds and permits. Most likely, the village would undertake this evaluation with technical assistance from the U.S. Coast Guard, the St.

Lawrence-Eastern Ontario Commission, and local marina operators. This evaluation and subsequent project will implement Policies 2, 4, 6, 18, 19, 19A, 21, 21A, 22, 25 and 25A.

5) Club Street Area Evaluation - As part of the Club Street area improvement, the following should be assessed: an inventory of building conditions; a survey of property owners concerning types of improvements they would like to see, and their willingness and ability to invest in property improvements; possibilities for expanded use of Chamber of Commerce/Town Garage structure; financing alternatives; traffic and parking conditions; and attitudes of involved organizations and the town/village concerning the above. The results of the evaluation would provide a basis for decisions on improvements for the area. The evaluation and use of its findings for the project will help implement Policies 1, 1A, 2, 4, 18, 19, 19A, 20, 21, 21A, 22, 23, 25, and 25A.

6) Harbor Management Plan - The Village is considering the development of a harbor management plan. The plan would provide guidance in managing boat traffic, harbor use and the location and number of boat support structures. The harbor management plan will identify alternatives for optimum harbor use, and analyze the probable environmental effects of each alternative. The plan would incorporate the policies of the LWRP.

7) Extended Harbor Jurisdiction - The village will pursue jurisdiction over the Main Harbor Area indicated in Plate 3. The purpose of extending jurisdiction over this area is to regulate boat traffic and harbor use, and to facilitate the establishment of a designated "special anchorage area" within the harbor (See Section Four, Proposed Projects.) This extension of jurisdiction will be pursued under authority of §46(a) of Article 4 of the State Navigation Law. Such authority must be approved by the New York State Bureau of Marine and Recreation Vehicles within the Office of Parks, Recreation and Historic Preservation.

MANAGEMENT STRUCTURE

The Village Board of Trustees and the Mayor, respectively, shall be the lead agency and the local official responsible for this waterfront program. More specifically, the roles of the various parties are as follows:

Mayor -- Provide overall program supervision and management.

Trustees -- Executive assigned responsibilities (under direction of the Mayor) for such things as coordination with volunteer and private organizations, and local government cooperation.

Planning Board -- Provide advice and assistance to the Village Board and the public in prioritizing program projects and activities; provide input to the Village Board on the compatibility of waterfront activities with program policies and objectives; review and approval of site plans for new development within the waterfront; participate in consistency reviews in conjunction with lead agency reviews.

Board of Appeals -- Hear and render decisions on variances and appeals to the Development Code pertaining to the waterfront.

Enforcing Officer -- Determine the compliance of waterfront development proposals with the Development Code; issue permits; enforce Development Code.

Village Clerk/Treasurer -- Handle correspondence, communications, record keeping and fiscal management for village government actions pertaining to the waterfront.

Superintendent of Public Works -- Operation and maintenance of public works pertaining to the waterfront.

Town/Village Recreation Commission -- Assist the Town/Village Boards on development of waterfront recreation areas and facilities.

Cape Vincent Chamber of Commerce -- Coordinate merchant and private sector involvement in the LWRP, assist in soliciting donations for smaller waterfront projects; promote public and private interest and support for revitalization activities.

Cape Vincent Improvement League -- Coordinate with the village and other organizations on waterfront revitalization and improvement projects, including volunteer efforts.

COMPLIANCE PROCEDURES

In general, the village's procedures for assuring compliance with the coastal policies of its LWRP consist of the administration and enforcement of the Development Code (including site plan review and the Overlay District), the consistency law, and other local laws applicable to its waterfront, in conjunction with the environmental reviews required by the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617). The basic premise of compliance is that legally, the village should be no less consistent with its LWRP than State and federal agencies are already required to be by their respective laws.

The Waterfront Overlay District and amendments to the Development code for site plan review provide consistency with the LWRP for local approvals of private actions. Each action by the village to fund, undertake, permit or otherwise approve a project or activity in its waterfront will be processed as follows:

Initial Review. In complying with the initial review requirements of SEQRA, the Enforcing Officer (or other such official of the village as may be designated by resolution of the Village Board) will review each project or activity in consultation with the applicant or other involved party. This review will identify:

1. all village actions required (permits, funding or approvals) and the board, department, officer or other body responsible for the actions;
2. whether the actions are Type I or Unlisted Actions and therefore subject to the provisions of SEQRA;

3. whether the actions might conflict with the LWRP; and
4. any other agencies that may be involved.

Advisement and Assistance. The Enforcing Officer will advise the applicant and/or involved parties regarding the initial review, required forms and further procedures to be followed. In addition, the Enforcing Officer will provide assistance in the preparation of:

1. village application forms (if applicable);
2. Environmental Assessment Forms (EAF's) for all Type I and Unlisted Actions; and
3. Coastal Assessment Forms (CAF's) for actions subject to SEQRA involving permits, funding or approvals from State or federal agencies.

SEQRA and LWRP Compliance Review. Upon receipt of completed EAF's (and CAF's if applicable) and, if appropriate, village application forms, the Enforcing Officer will immediately consult with the Village Board with regard to initiating procedures pertaining to lead agency designation and determination of significance in accordance with 6 NYCRR 617.6 and 617.7.

In the majority of cases where the impact of the project is primarily local, the Village Board will serve as lead agency. When the Village Board is proposing to undertake, approve, or fund a Type I or Unlisted action (as defined in 6 NYCRR 617.2), except approval of site plans by the Village Planning Board under Article 4, Section 7.F of the Development Code, they shall prepare or cause to be prepared a Waterfront Program Consistency Assessment Form for the proposed action. (See Appendix B for a copy of the Waterfront Program Consistency Assessment Form.) Following preparation of an EIS or the issuance of a negative declaration pursuant to SEQRA, the Village Board shall review the Waterfront Program Consistency Assessment Form, any EIS or other pertinent information for that action and make a determination regarding the action's consistency with the policies and purposes of the LWRP. In making such a determination the Village Board shall either:

- (a) Find and certify in writing that the action will not substantially hinder the achievement of any of the policies and purposes of the LWRP; or
- (b) If the action will substantially hinder the achievement of any policy of the LWRP, find and certify in writing that each of the following three requirements are satisfied:
 - (i) no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy;
 - (ii) the action will minimize all adverse effects of such policy to the maximum extent practicable;
 - and (iii) the action will result in an overriding regional or state-wide public benefit. Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP; or

- (c) Find and certify in writing that the action is not consistent with the policies and purposes of the LWRP, since it would substantially hinder the achievement of one or more policies and would not satisfy all of the requirements identified in (b) just above.

The Village Board shall complete its review of the proposed action's consistency and prepare written findings within thirty (30) days of the date they initiated their review. The Village Board may refer such actions to any Village Agency for its review assistance and recommendation, including, but not limited to, the Village Planning Board.

In making such recommendations, the Planning Board may consult, as appropriate, with the applicant, the lead agency, and/or other involved agencies.

If the Village Board does refer such actions for review and recommendation to another Village Agency, including the Village Planning Board, such agency shall complete its review of the proposed action's consistency and prepare a written recommendation to the Village Board within fifteen (15) days of the referral date.

No action shall be undertaken, approved, or funded unless the Village Board certifies its consistency with the policies and purposes of the LWRP by a finding pursuant to either (a) or (b) above.

The written findings and certification of the Village Board shall be filed with the Village Clerk before the action is undertaken, approved, or funded.

If the action would be subject to site plan approval by the Planning Board, then the compliance review shall be integrated with the site plan review procedures to the maximum possible extent, provided that the provisions of SEQRA have been satisfied before taking action on the site plans.

FEDERAL AND STATE CONSISTENCY

The process for local review of State and federal actions for consistency with the LWRP will generally follow that for compliance review, except that the Village Board of Trustees will make the Village's final consistency decision, but the State makes the final decision regarding Federal consistency. Specifically, the following procedures will be followed.

Initial Review. The Enforcing Officer reviews the proposed actions in comparison to the LWRP. Based on such review, the Enforcing Officer will:

1. advise the Village Board of Trustees as to whether the proposed actions are consistent, inconsistent or of uncertain consistency.
2. refer actions that are or may be inconsistent to the Planning Board for its review and comment.

Consistency Review. Within fifteen (15) days of such referrals, the Planning Board will prepare a written report to the Village Board of Trustees describing specific reasons for inconsistency, if any.

Consistency Advisement. The Village Board of Trustees, with due consideration given to the Planning Board's written report, will advise the Secretary of State and the particular State or federal agency involved, of any actions it deems inconsistent with the LWRP and the reasons therefore.

Specific guidelines on how consistency reviews will be coordinated for State and federal agency actions are listed in detail in Appendix C, "Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect," and Appendix D, "Procedural Guidelines for Coordinating NYS Department of State and Local Waterfront Revitalization Program Consistency Review of Federal Agency Actions."

FINANCIAL RESOURCES

To provide local management, administration, and enforcement of the LWRP and its policies, the village will rely on its tax revenues and existing personnel. The village may also make use of technical assistance available from the NYS Department of State (DOS), the St. Lawrence-Eastern Ontario Commission (SLEOC), and the Jefferson County Planning Department. To implement specific projects (described in Section Four), the following sources of outside funding should be pursued:

1) Village Park Site Plan and Development -- A LWRP implementation grant may be requested from the NYS Department of State (DOS) Coastal Management Program to fund 80% of the cost of a site plan for the Village Park. To further develop recreational facilities at the Village Park (picnic area, restrooms, dock, etc.), Cape Vincent may wish to apply for a Department of the Interior, Land and Water Conservation Fund (LWCF) grant administered through The NYS Office of Parks, Recreation and Historic Preservation (OPR&HP). These grants, in which OPR&HP pays 50% and the locality pays 50%, may be used for outdoor recreational improvements. Funding for actual construction may also be available from DOS through a 50/50 grant, based on availability of DOS funds.

Municipal funds (general revenues) will also be used (direct and in-kind -- for example, force account labor, equipment, etc.).

Other possible sources of funding support include further assistance from DOS, DEC, and the NYS Council on the Arts. The Arts Council, however, generally does not fund projects that are essentially recreational. However, they do have an Architectural, Planning and Design Program which funds "Project Support" which includes, but is not limited to, exhibitions, slide shows; design studies; feasibility and adaptive reuse studies -- which could tie in with later phases of the park development. For the 1984-85 funding cycle, one of five topical concerns that applicants were urged to address was waterfront development. The Council was seeking planning and design proposals that addressed the environmentally sound development of waterfront resources.

Under current legislation, the Council can only provide funds to non-profit organizations, and the application deadline is March 1.

2) Sailboat Mooring -- As with the Village Park, a LWRP implementation grant may be requested from DOS to fund 80% of the cost for the harbor evaluation. Similarly, a Land and Water Conservation Fund grant could be applied for to cover up to 50% of the project development cost for eligible activities. As noted in Section Four, materials costs for this project are primarily limited to buoys and anchoring devices.

3) Club Street Area and Dead-End Street Public Access Improvement -- The necessary planning for these projects would also be eligible for DOS implementation grants, as well as the NYS Council on the Arts funds. A U.S. Housing and Urban Development Community Development Block Grant (CDBG) could be a potential source of funding for commercial and residential improvements, parking, and other public facilities. The CDBG program is extremely competitive and communities must meet specific requirements as well as have a strong program for community or economic development. As the detailed work program for these improvements is being developed, the village should begin investigating the current CDBG program guidelines and deadlines.

For minor improvements to the public access areas and the Chamber of Commerce building, volunteer labor, donations of building materials, etc. would be a substantial benefit to the project. The cost of landscaping and other similar improvements are eligible items for a Land and Water Conservation Fund grant from OPR&HP.

4) "Town" (Village) Dock Reconstruction -- A LWRP implementation grant may be requested from the DOS to fund 80% of the cost of a preliminary engineering and design plan for the dock reconstruction. Funding for actual construction may be available from DOS through a 50/50 grant, based on availability of DOS funds. A Land and Water Conservation Fund grant could also be applied for to cover up to 50% of the project construction costs.

Municipal funds (general revenues) will also be used (direct and indirect -- for example, force account labor, equipment, etc.).

SUMMARY OF ACTIONS TO IMPLEMENT LWRP POLICIES

Development Policies (1, 1A, 2, 4, 5, 6)

These policies will be implemented through enforcement of the village's Development Code which controls new development and expansion or use changes of existing structures. Applicable controls include flood control regulations, land use district regulations, site plan review, and supplemental use regulations. The proposed Waterfront Overlay District and site plan review amendments, the proposed LWRP consistency law, the National Register and State Register listings and pursuit or grants to develop waterfront parcels and facilities will also carry out these policies.

Fish and Wildlife Policies (7A, 8, 9)

In some situations (e.g., new development requiring a land use district change), these policies will be implemented by the village's Development Code, site plan review, and LWRP consistency law. More often, though, the permit and project review procedure of other levels of government will apply (DEC, U.S. Army Corps of Engineers, DOS, and SLEOC, for example). Development of the Village Park and fishing access points will also work to implement these policies.

Flooding and Erosion Policies (11, 12, 13, 14, 16, 17)

These policies will be implemented with the village's Development Code including flood control regulations), proposed Waterfront Overlay District and site plan review amendments, the LWRP consistency law.

General Policy (18)

This policy will be enforced by a combination of all tools mentioned for the previous policies.

Public Access and Recreation Policies (19, 19A, 20, 21, 22, 23)

Pursuit of grants and development of waterfront access and recreational property will implement these policies. To a lesser degree, enforcement of the Development Code, the proposed Overlay District, and site plan review amendments, and the

proposed LWRP consistency law will also implement these policies.

Scenic Resources Policies

(25, 25A)

Enforcement of Development Code regulations, the code amendments and the proposed LWRP consistency law will implement these policies. In particular, site plan review, as provided for in the Development Code, will be of importance to preserve scenic views and overall visual quality.

Energy and Ice
Management Policies

(27, 28, 29)

This policy will be implemented through the New York SEQR law, the proposed local LWRP consistency law, and project review procedures at higher levels of government.

Water and Air
Resource Policies

(30, 31, 33, 34, 35,
36, 37, 38, 39, 40, 41,
42, 43, 44)

These policies will be implemented through local, State, and federal consistency requirements, and through permit and project review procedures at the regional, State, and federal levels.