Section 3. Waterfront Revitalization Policies

The Local Waterfront Revitalization Program (LWRP) policies presented in this section consider the economic, environmental, and cultural characteristics of the community's waterfront. The NYS Waterfront Revitalization of Waterfront Areas and Inland Waterways Act establishes public policies for appropriate use and protection of the State's waterfront areas and inland waterways. One of the most important roles of the Local Waterfront Revitalization Program is the adaptation of the State's waterfront policies by the community to reflect local waterfront issues and utilize local approaches to address them along with the addition of specific local policies.

Once the LWRP is adopted by the Town and Village of Clayton and accepted by the NYS Secretary of State, public agencies will use these policies when considering the appropriateness of a proposed action, such as land use decisions and review of private development plans, within the WRA. Federal, State and local laws and regulations (the Federal Coastal Zone Management Act, Article 42 of the NYS Executive Law and Town and Village Waterfront Consistency Review Laws) require agencies to conduct their activities in a manner consistent with these policies. If a proposed action is contrary to one or more of the policies, the action should be considered inconsistent with the LWRP unless an appropriate modification can be made or it can be shown that the action has an overriding public benefit.

The Town and Village of Clayton's Waterfront Revitalization Policies are consistent with the LWRP vision statement and objectives. The policies are comprehensive and reflect existing laws and authority regarding development and environmental protection. Together, these policies are to be used to determine the appropriate balance between economic development and resource preservation that will permit beneficial use of, and prevent adverse effects on, Town and Village resources in the WRA.

The policies are organized under four headings: **developed waterfront, natural waterfront, public waterfront,** and **working waterfront**. The policies are summarized in the table below.

Table 3.1 - Waterfront Revitalization Policies for the Town and Village of Clayton

DEVELOPED WATERFRONT POLICIES	
Policy 1	Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.
Policy 2	Preserve historic resources of the waterfront area.
Policy 3	Enhance visual quality and protect scenic resources throughout the waterfront area.
NATURAL WATERFRONT POLICIES	
Policy 4	Minimize loss of life, structures, and natural resources from flooding and erosion.
Policy 5	Protect and improve water quality and supply.
Policy 6	Protect and restore the quality and function of the ecosystem.

Policy 7	Protect and improve air quality in the waterfront area.
Policy 8	Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.
PUBLIC WATERFRONT POLICY WORKING WATERFRONT POLICIES	
Policy 9	Provide for public access to, and recreational use of, the waterway, public lands, and public resources of the waterfront area.
Policy 10	Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations.
Policy 11	Promote sustainable use of fish and wildlife resources.
Policy 12	Protect the agricultural lands.
Policy 13	Promote appropriate use and development of energy and mineral resources.

The following paragraphs examine the applicable State policies with regard to conditions, problems, and opportunities associated with the Town and Village of Clayton Waterfront Revitalization Area.

DEVELOPED WATERFRONT POLICIES

Policy 1 FOSTER A PATTERN OF DEVELOPMENT IN THE WATERFRONT AREA THAT ENHANCES COMMUNITY CHARACTER, PRESERVES OPEN SPACE, MAKES EFFICIENT USE OF INFRASTRUCTURE, MAKES BENEFICIAL USE OF A WATERFRONT LOCATION, AND MINIMIZES ADVERSE EFFECTS OF DEVELOPMENT.

This policy is intended to foster a development pattern that provides for beneficial use of waterfront resources. The primary components of the desired development pattern are: strengthening traditional waterfront communities as centers of activity, encouraging water-dependent uses to expand in these centers of activity, enhancing stable residential areas, and preserving open space.

The Town and Village of Clayton's waterfront areas include a wide variety of land uses, natural resources, cultural and historic resources and recreational facilities and opportunities.

The reuse of existing, architecturally significant building stock and historic sites as centers of residential, commercial and recreational activity is the key component of the desired development pattern for the Village of Clayton's downtown and WRA. Where new construction is necessary, the construction should be consistent in scale and character with the existing Village character. Land uses that attract residents and visitors to the downtown and offer recreational activities or community-oriented social activities and facilities should be encouraged.

The Town of Clayton's waterfront is characterized by rural landscape with small enclaves of residential development along the shoreline of the Saint Lawrence River. The residential development comes in all shapes and sizes, from mobile homes to multi-million dollar waterfront estates. The Town also has

significant agricultural and open space land uses on Grindstone Island. The vitality of the waterfront, and the preservation of the rural character of the area, is a critical component of the land use strategy for this area. Future investments should focus on sustaining the community and protecting the remaining open landscape that provides agricultural, ecological and scenic value. The principles of Smart Growth are applicable to the WRA.

1.1 CONCENTRATE DEVELOPMENT AND REDEVELOPMENT IN ORDER TO REVITALIZE AND ENHANCE THE WATERFRONTS, STRENGTHEN THE TRADITIONAL VILLAGE CORE AND RURAL EDGE, AND PREVENT SPRAWL.

Development in the Town and Village of Clayton should perform several functions, including enhancing the visual character of the community, promoting the historic or nautical theme of the community, and providing economic activity beneficial to the community. At the same time, development should protect and enhance the environmental resources that support the area's economy and improve its quality of life.

The following planning principles should be used to guide investment and preparation of development strategies and plans:

a. Ensure that new development within the Town and Village supports and is compatible with the existing desirable character of the community.

b. Match land uses to local and regional community needs to avoid unnecessary duplication and to preserve community character.

c. Focus public investment, actions, and assistance in waterfront redevelopment areas to reclaim unused waterfront land and brownfields for new purposes.

d. Locate new development where infrastructure is adequate or can be appropriately upgraded to accommodate new development.

e. Limit development to areas with no environmental constraints and minimize consumption of rural Town lands with clustering techniques and other rural land planning and design strategies.

f. Develop related recreational and commercial opportunities in the waterfront and downtown areas to encourage movement between the two areas.

g. Accommodate new waterfront uses in an orderly manner and foster safe, convenient waterfront access at strategic locations, linked by streets, sidewalks, a RiverWalk system, and other modes of access.

h. Increase educational and interpretative uses of the area around the St. Lawrence River.

i. Provide physical linkages between the waterfront, downtown, and other areas of Clayton, as well as other communities.

Revitalizing deteriorated, abandoned, vacant or underutilized sites within the waterfront area will help improve the economic vitality, provide recreational opportunities, and enhance the appearance of these areas. In particular, revitalization, stabilization or redevelopment of the following areas is recommended:

a. Revitalize the area north of NY Route 12E, with a particular focus on the commercial core from Riverside Drive from the Centennial Park through to the northeastern portion of the peninsula. This includes providing clear pedestrian connections between the Antique Boat Museum and the east end of Riverside Drive. Infill development should be encouraged in this area in a manner compatible with the existing historical context.

b. Revitalize, stabilize and redevelop the areas along the eastern and northeastern shores of the Village peninsula with emphasis on enhancing public access and mixed-use development, siting new commercial uses and improving visual quality.

c. Redevelop the Municipal Wastewater Treatment Plant site. The Municipal Wastewater Treatment Plant occupies an attractive piece of waterfront property. The services provided by the Municipal Wastewater Treatment Plant should be provided by another facility, and the site redeveloped into a water-enhanced use.

1.2 ENSURE THAT DEVELOPMENT OR USES TAKE APPROPRIATE ADVANTAGE OF THEIR WATERFRONT LOCATION.

The amount of waterfront and its associated resources are limited. All uses should relate to the unique qualities associated with a waterfront location. Consideration should be given to whether a use is appropriate for a waterfront location. When planning waterfront development or redevelopment, the waterfront location should be reflected in the siting, design, and orientation of the development. This policy seeks to provide a measure of control for future waterfront land uses in Clayton by devoting these lands to uses that are water-dependent or water-enhanced.

Water-dependent uses

'Water-dependent uses' are defined by the State of New York as "activities that require a location in, on, over, or adjacent to the water because the activities require direct access, and the use of water is an integral part of the activity." The following uses and facilities are considered to be water dependent:

a. Uses that depend on the utilization of resources found in coastal water (for. example: fishing, mining of sand and gravel, mariculture activities);

b. Recreational activities that depend on access to coastal waters (for example: swimming, snorkeling, scuba diving, free diving, fishing (including charter fishing businesses), boating, and wildlife viewing);

c. Uses involved in the sea/land transfer of goods (for example: commercial or public docks, loading areas, pipelines, short-term storage facilities);

d. Structures needed for navigational purposes (for example: locks, dams, lighthouses);

e. Flood and erosion protection structures (for example: breakwaters, bulkheads);

f. Facilities needed for in-water storage and service of boats and ships (for example: marinas, boat hoists/lifts, boat rail/track systems);

g. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants);

h. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries);

i. Uses which operate under such severe time constraints that proximity to shipping facilities become critical (for example: firms processing perishable foods);

j. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and

k. 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 use, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

Water-dependent uses should be promoted where appropriate and given precedent over other types of development at suitable waterfront sites. Existing water dependent uses, including commercial barge traffic servicing the islands, recreational boating, water-based entertainment (e.g., water-ski shows and visiting tour boats and naval vessels), fishing, and recreational diving should be protected. Enhanced docking access, particularly in the village, is a type of water-dependent use that is appropriate and useful in capturing recreational boaters from the St. Lawrence River. Development which is not dependent on a waterfront location or which cannot make beneficial use of a waterfront location should be avoided in the currently vacant areas along the waterfront. Floating domiciles are not considered a water-dependent use. Floating domiciles may not be attached to the shore by dock, pier, causeway or grounding within the village's harbor management area except by permit when associated with a vacant lot with a minimum of 200ft of shoreline that is owned by the occupant of the floating domicile or docked at a commercial marina facility.

Water-enhanced uses

'Water-enhanced uses' are defined as "activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront upland, not on or over the water surface, could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature."

Water-enhanced uses may be encouraged upland adjacent to the waterfront where they are compatible with surrounding development and are designed to make beneficial use of their waterfront location. A restaurant, which uses good site design to take advantage of a waterfront view, is an example of a water-enhanced use.

To ensure that water-enhanced uses make beneficial use of their waterfront location, they should be sited and designed to:

a. Attract people to or near the waterfront and provide opportunities for access that is oriented to the waterfront

b. Provide public views to or from the water

c. Minimize consumption of waterfront land

d. Not interfere with the operation of water-dependent uses

e. Not cause significant adverse impacts to community character and surrounding land and water resources

f. Where appropriate, improve public access to waterfront

Uses should be avoided that would:

a. Result in unnecessary and avoidable loss of waterfront resources

b. Ignore their waterfront setting as indicated by design or orientation

c. By their nature, not derive an economic benefit from a waterfront location

There is a finite amount of waterfront space in Clayton, especially in the Village, suitable for development purposes. Therefore, it is reasonable to expect that demand for waterfront land in Clayton will continue to intensify over time. In the Town, priority should be given to water-dependent and water-enhanced uses over non-water dependent residential, commercial or industrial uses. In the Village, priority should be given to completing the proposed RiverWalk which will integrate public access with its marine-related commercial operations and its other downtown businesses; providing for the expansion of harbor facilities where conditions allow; and redeveloping underutilized properties that can capitalize on their waterfront location.

1.3 PROTECT STABLE RESIDENTIAL AREAS.

New development located in or adjacent to existing residential areas should be compatible with neighborhood character. New development can result in a reduction of access to publicly accessible places (i.e., any land, waterbody, or structure that is open to the general public, such as a public road, park, public school, recreation area, conservation area, or place of public accommodation such as a restaurant or hotel), which may be of significance to a residential area. The potential loss of access to publicly accessible places emphasizes the need to foster opportunities to provide new publicly accessible places for the community.

New non-residential uses in a stable residential area should be avoided when the use, its size, and scale will significantly impair neighborhood character. New construction, redevelopment, and screening, such as fences and landscaping, should not reduce or eliminate vistas that connect people to the water.

1.4 MAINTAIN AND ENHANCE NATURAL AREAS, RECREATION, OPEN SPACE, AND AGRICULTURAL LANDS.

Natural areas, recreation, open space, waterbodies, and agricultural lands produce public benefits that may not be immediately tangible. In addition to scenic and recreational benefits, these lands may also support habitat for commercially or ecologically important fish and wildlife, provide watershed management or flood control benefits, serve to recharge ground water, and maintain links to a region’s agricultural heritage.

Clayton's natural areas, recreation, open space, and agricultural lands on the waterfront and throughout the Town and Village, benefit the physical environment as well as the physical and psychological health of the community. To enhance community character and maintain the quality of the natural and man-made environments, especially on lands abutting NYS Route 12 E, potential adverse impacts on existing development, physical environments, and economic factors should be addressed and mitigated.

The following planning principles apply to Clayton's natural areas, recreation, open space, and agricultural lands:

a. Development requirements should reflect site characteristics, limit the disturbance of land and water, and foster visual compatibility of the development with surrounding areas.

b. Avoid loss of economic, environmental, and aesthetic values associated with these areas.

c. Avoid the deterioration of water quality.

d. Avoid expansion of infrastructure and services that would promote growth and development detrimental to these resources.

e. Maintain natural, recreational, and open space values including those associated with large estates, golf courses, and beach clubs.

f. Avoid, or minimize the loss of open space, natural areas, wetlands and wildlife habitat while attempting to accommodate the recreational needs of the community.

g. Encourage appropriate, low impact uses that take into consideration the local natural features such as geology, topography, and wildlife habitat.

h. Implement protective measures to prevent erosion and stormwater runoff into the St. Lawrence River and its tributaries.

i. When evaluating proposed new development, ensure that natural areas are preserved to the maximum extent possible. For example, avoid the loss, fragmentation, and impairment of habitats and wetlands, and preserve steep slopes, native species, large individual trees, stands of trees, and unique forest cover types whenever possible.

j. Protect existing parklands and provide additional public recreational opportunities and carefully consider the implications of expanding infrastructure that might accelerate conversion of open spaces or natural areas to other uses.

k. Protect the open space value of agricultural land, preferably through retention of agricultural production.

1.5 MINIMIZE ADVERSE IMPACTS OF NEW DEVELOPMENT AND REDEVELOPMENT.

To enhance community character and maintain the quality of the natural and manmade environments of the WRA, potential adverse land use and accessory uses, environmental, and economic impacts from proposed development should be addressed and mitigated. Cumulative and secondary adverse impacts from development and redevelopment should also be minimized. Cumulative impacts result from the incremental or increased impact of repetitive actions or activities when added to other past, present, or future actions or activities. Secondary impacts are those that are foreseeable, but occur at a later time or at a greater distance from the action, and are caused or facilitated by an action or activity, whether directly or indirectly.

Although recognized as scenic resources, increased proliferation of boathouses and their potential cumulative impacts can present a concern to waterfront management (See Section 2.10). While maintenance of existing boathouses should be allowed, construction of new boathouses in appropriately designated areas, such as a historic boathouse district, should be carefully considered prior to permitting. New boathouse construction will not encroach upon navigation channels, significantly limit public access to the shoreline, degrade natural resources or significant scenic views, diminish the reasonable exercise of riparian rights by adjacent waterfront landowners, and must be designed with architectural features compatible with the community character. The construction of boathouses above the Ordinary High Water (OHW) mark is strongly encouraged in order to minimize adverse impacts.

Potential adverse environmental impacts on existing development should be minimized as follows:

a. Avoid the introduction of discordant features, which would detract from the community. Compare the proposed development or activity with existing distribution of structures, scale and intensity of use, architectural style, land use pattern, or other indicators of community character.

b. Mitigate adverse impacts among existing incompatible uses by avoiding expansion of conflicting uses, promoting mixed-use development approaches which would reduce potential for conflict, mitigating potential conflicts by segregating incompatible uses, and providing buffers, or using other design measures to reduce conflict between incompatible uses.

c. Protect the surrounding community from adverse impacts due to substantial introductions of or increases in odors, noise, or traffic.

d. Integrate waterfront areas with upland communities by: providing physical linkages between the upland community and the waterfront, matching uses to community needs, particularly as related to demographic characteristics, and limiting exclusion of the waterfront from the surrounding community.

e. Prevent displacement or impairment of the operation of water-dependent and water-enhanced uses.

f. Encourage density averaging (clustering), cluster development or conservation subdivisions for rural Route 12 and 12E areas. Density averaging or clustering, also referred to as conservation subdivision, allows residences to be built on smaller lot sizes than typically permitted by zoning, provided that the average density of the original parcel is not increased.

g. Utilize all planning review, analysis, and mitigation tools, Best Management Practices (BMPs) for stormwater management, non-point source pollution, etc. and others.

h. Preserve scenic viewsheds and resources to the maximum extent possible.

Potential adverse economic impacts should be minimized, as follows:

a. Prevent derelict or dilapidated conditions of existing buildings and sites to avoid detraction from community character.

b. Protect and enhance the community's economic base.

c. Promote a diverse economic base in the downtown and waterfront areas to serve the needs of residents and non-residents.

d. Avoid the expansion of infrastructure or services into previously undeveloped areas, particularly areas abutting the French Creek marsh, undeveloped island lands, and steep slope areas.

e. Increase existing capacity of services and infrastructure to foster the concentration of development in preferred areas, such as the downtown area.

Policy 2 PRESERVE HISTORIC RESOURCES OF THE WATERFRONT AREA.

Archaeological sites and historic structures are tangible links to the past development of a community—both its cultural and economic life—providing a connection to past generations and events. The Native American sites, the Colonial era farmsteads and outbuildings, the 19th century commercial districts, the fishing villages, lighthouses, shipwrecks, and the Gilded Age mansions define the distinctive identity and heritage of the New York State's waterfront. Clayton's historic and cultural legacy is rich in architectural, marine, waterway, and scenic resources that contribute to the enrichment of Clayton's identity and provide a multitude of opportunities to restore or revitalize points of interest for the enjoyment of residents and visitors alike. Therefore, the effective preservation of historic resources must include efforts to identify, document, restore, and revitalize important resources.

The intent of this policy is to preserve the historic and archaeological resources of the WRA (see LWRP Section 2.8 and Map 7). The community has identified Fairview Manor, located along the Town's mainland shoreline, and the cheese factory on Grindstone Island as at-risk historic properties worthy of preservation. Concern extends not only to these specific sites or resources, but also with the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must include more than local historic district zoning regulations (which the Village of Clayton has) but also, active efforts, when appropriate, to restore or revitalize. While this LWRP addresses all such resources within the WRA, it actively promotes preservation of historic, archaeological, and cultural resources that have a waterfront or maritime relationship.

The U.S. Secretary of the Interior provides standards for the identification and treatment of historic properties. Based on these standards, historic resources that would be covered under this policy include those structures, landscapes, districts, areas or sites, or underwater structures or artifacts, which are listed or designated as follows:

a. Any historic resource in a federal or state park established, solely or in part, in order to protect and preserve the resource.

b. Any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places.

c. Any cultural resource managed by the New York State Nature and Historic Preserve Trust or the New York State Natural Heritage Trust.

d. Any archaeological resource which is on the inventories of archaeological sites maintained by the New York State Department of Education or the Office of Parks, Recreation, and Historic Preservation.

e. Any locally designated historic or archaeological resources protected by a local law or ordinance.

In identifying those elements that are important in defining the character and value of a historic resource, designation information, available documentation, and original research should be used. Important character-defining elements of the historic resource should be identified in terms of its:

a. Time, place, and use;

b. Materials, features, spaces, and spatial relationships;

c. Setting within its physical surroundings and the community; and

d. Association with historic events, people, or groups.

The value of the historic resource is indicated by:

a. Its membership within a group of related resources which would be adversely impacted by the loss of any one of the group of resources;

b. The rarity of the resource in terms of the quality of its historic elements or in the significance of it as an example; or

c. The significance of events, people, or groups associated with the resource.

2.1 MAXIMIZE PRESERVATION AND RETENTION OF HISTORIC RESOURCES.

Preserve and retain the historic character-defining elements of the resource. Use the following standards to achieve the least degree of intervention:

a. Protect and maintain historic materials and features according to the following approach:

1) Evaluate the physical condition of important materials and features:

2) Stabilize materials and features to prevent further deterioration;

3) Protect important materials and features from inadvertent or deliberate removal or damage; and

4) Ensure the protection of historic elements through a program of nonintrusive maintenance of important materials and features.

b. Repair historic materials and features according to recognized preservation methods when their physical condition warrants.

c. When a historic feature is missing or the level of deterioration or damage precludes maintenance or repair:

1) Limit the replacement of extensively deteriorated features or missing parts to the minimum degree necessary to maintain the historic character of the resource.

2) Maintain historic character where a deteriorated or damaged feature is replaced in its entirety. In replacing features, the historic character of the resource can be best maintained by replacing parts with the same kind of material. Substitute materials may be suitable if replacement in kind is not technically or economically feasible and the form, design, and material convey the visual appearance of the remaining parts of the feature.

3) When re-establishing a missing feature, ensure that the new feature is consistent with the historic elements of the resource. If adequate historical, pictorial, and physical documentation exists so that the feature may be accurately reproduced, use available documentation to design and construct a new feature. If adequate documentation does not exist, design and construct a new feature that is compatible with the remaining features of the resource. The new design should be based on research, pictorial, and other evidence so that a true historical appearance is created.

d. Provide for efficient, compatible use of the historic resource.

e. Foster uses that maximize retention of the historic character of the resource:

1) Maximum retention of historic character is best achieved by using the resource as it was historically used; and

2) If the resource cannot be used as it was historically used, adapt a use to the historic resource that maximizes retention of character-defining materials and features.

f. Minimize alterations to the resource to preserve and retain its historic character.

1) Minimize potential negative impacts on the resource's historic character due to necessary updates in systems to meet health and safety code requirements or to conserve energy.

2) Make alterations to the resource only as needed to ensure its continued use and provided that adverse impact on the resource is minimized. Alterations should not obscure, destroy, or radically change character defining spaces, materials, features, or finishes in order to minimize adverse impact on the resource. Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall historic character of the resource.

3) Construct new additions only after it is determined that an exterior addition is the only viable means of assuring continued use of the resource.

4) In constructing new additions, use appropriate design and construction to minimize adverse impact on the resource's historic character. Adverse impact can minimized in new additions by: clearly differentiating from historic materials and features; using design compatible with the historic materials, forms and

details, size, scale and proportion, and massing of the resource to protect the integrity of the resource and its setting. In addition, new additions should be designed such that, if removed in the future, the essential form and integrity of the historic resource and its setting would not be impaired.

g. Minimize loss of historic resources or the historic character of the resources of the waterfront when it is not possible to completely preserve and retain the resource.

h. Relocate an historic resource when it cannot be preserved in place and the resource is imperiled:

1) directly by a proposed activity which has no viable alternative which would not result in adverse effects on the resource, or indirectly by surrounding conditions which are likely to result in degradation or inadequate maintenance of the resource the resource cannot be adapted for use on the existing site which would result in preservation of the resource,

2) a suitable site for relocation is available, and

3) it is technically and economically feasible to move the resource.

i. Allow for demolition of the resource only when:

1) it is not feasible to protect the resource through relocation, and

2) the resource has been officially certified as being imminently dangerous to life or public health, or

3) the resource cannot be adapted for any use on the existing site or on any new site

j. Document in detail the character-defining elements of the historic resource in its original context prior to relocation or demolition of the resource.

k. Avoid potential adverse impacts of development on adjacent or nearby historic resources.

l. Protect historic resources by ensuring that development is compatible with the historic character of the affected resource.

m. Design development to a size, scale, proportion, mass, and with a spatial relationship compatible with the historic resource.

n. Design development using materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.

o. Limit adverse cumulative impacts on historic resources.

1) Minimize the potential adverse cumulative impact on a historic resource, which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.

2) Minimize the potential cumulative impacts of a series of otherwise minor interventions on a historic resource.

3) Minimize potential cumulative impacts from development adjacent to the historic resource.

2.2 PROTECT AND PRESERVE ARCHAEOLOGICAL RESOURCES.

Conduct a cultural resource investigation when an action is proposed on an archaeological site, fossil bed, or in an area identified for potential archaeological sensitivity on the archaeological resources inventory maps prepared by the New York State Department of Education.

a. Conduct a site survey to determine the presence or absence of cultural resources in the project's potential impact area.

b. If cultural resources are discovered as a result of the initial survey, conduct a detailed evaluation of the cultural resource to provide adequate data to allow a determination of the resource's archaeological significance.

If impacts are anticipated on a significant archaeological resource, minimize potential adverse impacts by:

a. Redesigning projects

b. Reducing direct impacts on the resource

c. Recovering artifacts prior to construction, and documenting the site.

Archaeological resources are protected under § 233 of New York State Education Law. These resources may not be appropriated for private use.

2.3 PROTECT AND ENHANCE RESOURCES THAT ARE SIGNIFICANT TO THE WATERFRONT CULTURE.

The Town and Village desire to protect historic shipwrecks and shipwrecks to which the state holds title. Colonial era to modern-day shipwrecks lie in the Saint Lawrence River. While the location of many of these ships is well documented, more research remains to be done to identify and protect these historic and recreational resources as significant components of the waterfront culture of the state. Historic shipwrecks are those wrecks which, by reason of their antiquity or their historic, architectural, archaeological, or cultural value, have state or national importance and are eligible for inclusion on the State or National Register of Historic Places. The state holds title to all shipwrecks determined abandoned under the Abandoned Shipwrecks Act of 1987, and are protected under § 233 of New York State Education Law, Section 233.

The following standards apply to shipwrecks:

a. Provide for the long-term protection of historic shipwrecks through the least degree of intervention. The least degree of intervention can be achieved by preserving historic

shipwrecks in place. When preservation is not feasible, record and recover shipwrecks or their artifacts.

b. Manage shipwrecks to provide for public appreciation, use, and benefit. The nature of public use and benefits associated with shipwrecks is very diverse. Sport divers should have reasonable access to explore shipwrecks. Additional public appreciation and enjoyment of shipwrecks can be achieved through interpretive access, which describes the history and value of the resource. Archaeological research on historic shipwrecks is particularly important where research can be reasonably expected to yield information important to understanding the past.

c. Avoid disturbance to shipwrecks unless the shipwreck: poses a navigation hazard; or, would impede efforts to restore natural resource values.

d. Prevent unauthorized collection of shipwreck artifacts and associated direct or cumulative impacts.

e. Maintain the natural resource values that are associated with shipwreck sites, which may be sensitive to disturbance.

Policy 3 ENHANCE VISUAL QUALITY AND PROTECT SCENIC RESOURCES THROUGHOUT THE WATERFRONT AREA.

Explanation of policy

Waterfront landscapes possess inherent scenic qualities. The presence of water and ever-changing expansive views, the ephemeral effects of wildlife and atmospheric changes, and the visually interesting working landscape draw people to the water's edge. Due to their importance, scenic resources should be considered in balancing wise use and conservation of waterfront resources. In the Town and Village of Clayton, scenic views are extensive and varied (see Section 2.9 and LWRP Map 7). They include, but are not limited to, views to the Saint Lawrence River from roadways and upland areas, views from shoreline locations and from the water, and views from various locations of open space and agricultural resources. In the Village, shoreline properties along Riverside Drive afford exciting views of an expanse of the St. Lawrence River with islands, Seaway traffic, fishing and boating activities characteristic of the Thousand Islands region.

The highway gateways into the Town of Clayton and its waterfront area deserve special protection to preserve the attractive rural and historic quality of the Town. A scenic protection overlay district is a useful tool to regulate land uses within these scenic corridors to ensure areas visible to the public substantially retain their scenic character. Related to the significance of the gateways is the importance of the New York Seaway Trail that follows Route 12E through the Town and Village of Clayton. The Seaway Trail is the only National Scenic By-way in New York State. National Scenic By-ways are areas that possess outstanding qualities that exemplify the regional characteristics of our nation. This designation for the corridor through Clayton is important and should be recognized as such.

Vistas in the WRA that warrant protection or enhancement include the view from the Mary Street docks and those from and in the vicinity of the Route 12E Bridge at French Creek. Revitalization projects in the WRA will take advantage of these locally significant scenic resources with an aim to protect, enhance and preserve overall scenic character.

Boathouses located along the Town and Village shoreline that have architectural features compatible with the community character are another significant scenic resource that distinguishes the Thousand Island community from other New York State waterfront communities. Although recognized as a scenic resource, increased proliferation of boathouses and their potential cumulative impacts can present a concern to waterfront management (See Section 2.10). While maintenance of existing boathouses should be allowed, construction of new boathouses in appropriately designated areas, such as a historic boathouse district, should be carefully considered prior to permitting. New boathouse construction will not encroach upon navigation channels, significantly limit public access to the shoreline, degrade natural resources or significant scenic views, or diminish the reasonable exercise of riparian rights by adjacent waterfront landowners. The construction of boathouses above the Ordinary High Water (OHW) mark is strongly encouraged in order to minimize adverse impacts. New boathouses should be designed with architectural features compatible with the community character. Modest variations in architectural features are welcome as they add uniqueness and character to the area. Placement, footprint, roof pitch, and exterior materials should be considered during site plan review. Accessory decks should be placed on the upland area not over the water surface.

3.1 PROTECT AND IMPROVE VISUAL QUALITY THROUGHOUT THE WATERFRONT AREA.

The visual quality of WRA is an important component in the character of this area. Waterfront uses often include residential and recreational activities, infrastructure, and changes to the landscape that add visual interest. The Town and Village of Clayton will protect and improve visual quality and scenic vistas by:

a. Preventing impairment of scenic components that contribute to high scenic quality, as described in Section 2.9 and LWRP Map 7.

b. Improve the visual quality associated with urban areas and historic maritime areas.

c. Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral scenic qualities.

d. Recognize water-dependent uses as important additions to the visual interest of the waterfront.

e. Protect scenic values associated with public lands, including public trust lands and waters, and natural resources.

f. Maintaining existing open views on axis with Village streets (ex., the open lot at the north end of James Street).

3.2 PROTECT AESTHETIC VALUES ASSOCIATED WITH RECOGNIZED AREAS OF HIGH SCENIC QUALITY.

There are no designated Scenic Areas of Statewide Significance; designated areas under Protection of Natural and Man-made, designated scenic rivers, or other governmentally-recognized scenic resource areas in the WRA. Nonetheless, special attention should be given to zoning and architectural review regulations where there is a potential for river views that connect the historic commercial strip with the river that brought Clayton into existence. These views deserve strong protective measures because of their scenic qualities and their centrality to life in Clayton through location and frequency of use. Overhead utility lines, inappropriate lighting, and inconsistent architectural character are just a few examples of negative impacts on the character of the downtown area. For the Town of Clayton, views of the St. Lawrence River and rural lands are very important along the NYS Route 12 corridor. The application of a scenic protection overlay zoning district provides the tool to regulate land uses within this scenic corridor and protect its scenic beauty and rural character.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly:

a. Site structures and other development back from shorelines and the crest of hills, or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;

b. Cluster or orient structures to retain views, retain qualities of open space, and provide visual organization to a development;

c. Incorporate existing structures (especially historic buildings) into the overall development scheme of a project;

d. Remove deteriorated and/or degrading elements;

e. Maintain or restore the original land form, except when changes screen unattractive elements and/or add appropriate interest;

f. Maintain or add vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, (such as parking lots and boat storage areas), except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing within public parks, at street ends and along rights-of-way creates views of the Saint Lawrence River and other bodies of water;

g. Use appropriate materials (wood, stone, wrought iron fencing, earth berms) in addition to vegetation to screen unattractive elements;

h. Use appropriate scales (i.e., building height and massing), forms, and materials to ensure that buildings and other structures are compatible with and add interest to the Clayton's visual environment;

i. Minimize the effects, as much as possible, of facility operation (e.g. lighting, noise, and odor); and

j. Provide for burying overhead wires whenever practicable especially in the Business District on Riverside Drive.

NATURAL WATERFRONT POLICIES

Policy 4 MINIMIZE LOSS OF LIFE, STRUCTURES, AND NATURAL RESOURCES FROM FLOODING AND EROSION.

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout the waterfront area. The policy reflects state flooding and erosion regulations and provides measures for reduction of hazards and protection of resources. This policy will also assist in slowing the rate of deterioration of shoreline structures and in avoiding disruptions or losses of public access to the St. Lawrence River by increasing the durability of such structures.

Portions of Clayton's St. Lawrence River shoreline are located within the 100-year floodplain. Shoreline stabilization, especially in the waterfront/shoreline area, is vulnerable to seasonal water-level fluctuations, wind driven wave action, and ice movement, causing both long- and short-term damage to shoreline structures. Shoreline erosion, on the other hand, is minimal due to the durability of the Potsdam sandstone bedrock typically exposed along the shore and proper design, construction and maintenance of shoreline structures will prolong their utility and benefits when resistance to wave and ice action is included as a design parameter.

The Town and Village of Clayton participate in the National Flood Insurance Program (NFIP) and have local laws covering flood damage prevention. These laws are designed to prevent future property damage within the flood hazard area. In areas subject to flood control regulations, no structure will be permitted that is in violation of local flood control regulations.

The Town and Village waterfront areas have no Waterfront Erosion Hazard Areas. However, soils with high potential erodibility have been identified on Grindstone Island at Flynn Bay, Upper Town Landing and between North Shore Road and Cross Island Road. Other islands, which possess highly erodible soils, are Picton, Murray, Bluff and Maple. Mainland areas that contain highly erodible soils include small locations at Sawmill Bay, Carrier Bay and, to a lesser extent, adjacent French Creek. These areas of highly erodible soil types are usually associated with steep slopes having modest vegetative cover. A few of these areas are likely to experience erosion at a rate of one foot or more per year.

Extensive disturbance of vegetative cover in the process of development would likely result in increased soil erosion. Erodible upland soils could also be carried into the waterfront waters of the Town and Village if development is permitted on steep slopes without erosion and sedimentation control measures. Therefore, public and private actions involving development should be guided to avoid or minimize substantial disturbance of existing vegetative cover to prevent erosion or, at a minimum, be

required to employ suitable erosion and sedimentation control techniques after disturbance has occurred. Upland erosion and sedimentation control will be particularly important for protection of the St. Lawrence River and French Creek. In particular, the area east of the French Creek Marsh is more extensive and closer to sensitive wetlands and fish and wildlife habitats.

4.1 MINIMIZE FLOODING DAMAGE IN THE TOWN AND VILLAGE OF CLAYTON THROUGH THE USE OF APPROPRIATE MANAGEMENT MEASURES.

Standards which use various management measures design to prevent flood damage prevention and protect life and property, are presented below in order of priority:

a. Avoid development other than water-dependent uses in waterfront hazard areas.

b. Locate or move development and structures as far away from hazards as practical.

c. Use vegetative non-structural measures which have a reasonable probability of managing flooding and erosion, based on shoreline characteristics including exposure, geometry, and sediment composition.

d. Enhance existing natural protective features and processes, and use non-structural measures that have a reasonable probability of managing erosion.

e. Use hard structural erosion protection measures as a last alternative, only where there is a documented erosion problem, where the above measures have be proven to be inadequate to protect the principal use, or the use is water-dependent or reinforces the role of the Village's waterfront activity or a waterfront redevelopment area.

f. Manage development in floodplains outside of waterfront hazard areas, so as to avoid adverse environmental effects, minimize the need for structural flood protection measures, and meet Federal flood insurance program standards. In addition, mitigate the impacts of erosion control structures.

4.2 PRESERVE AND RESTORE NATURAL PROTECTIVE FEATURES.

The natural protective features within the WRA are bluffs, wetlands, and associated vegetation. For example, the low erodible bluffs along portions of the Town and Village's mainland waterfront and on Grindstone Island are natural protective features that help safeguard waterfront lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. As flooding and erosion protection features, these natural protective features are considered superior to manmade features and will be preserved where feasible in the Town and Village of Clayton. Excavation of waterfront features, improperly designed structures, inadequate site planning, or other similar actions that fail to recognize their fragile nature and protective value may lead to weakening or destruction of these landforms. Activities and development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Nonstructural measures to minimize damage from wave

action and ice movement will primarily involve facilitating the location of water-dependent uses that rely on shoreline structures in areas of the waterfront less exposed to such forces.

Standards applicable to preserving and restoring natural protective features include:

a. Avoiding alteration or interference with shorelines currently in a natural condition;

b. Avoiding development other than water-dependent uses in, or in close proximity to natural protective features;

c. Enhancing existing natural protective features;

d. Restoring the condition of impaired natural protective features, wherever practical;

e. Using practical vegetative approaches to stabilize natural shoreline features; and

f. Providing signage or other interpretive materials to increase public awareness of natural features.

4.3 PROTECT PUBLIC LANDS AND PUBLIC TRUST LANDS AND USE OF THESE LANDS WHEN UNDERTAKING ALL EROSION OR FLOOD CONTROL PROJECTS.

Every effort should be made to protect the loss of public lands threatened by flooding and erosion using the techniques and standards described above and the following:

a. Retain ownership of public trust lands that have become upland areas due to fill or accretion resulting from erosion control projects.

b. Avoid impairments, losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures. Impairments of lands can include, but is not limited to, impacts on habitat, degradation of water quality, reduction of public access, or interference with navigation.

c. Mitigate unavoidable impacts on adjacent property, natural waterfront processes and natural resources, and on public trust lands and their use.

4.4 MANAGE NAVIGATION INFRASTRUCTURE TO LIMIT ADVERSE IMPACTS ON WATERFRONT PROCESSES.

The intent of this policy is to manage navigation channels to limit adverse impacts on natural waterfront processes that shape the shoreline, such as sediment transport and deposition. Techniques for designing channel construction and maintenance practices to protect and enhance natural protective features and prevent destabilization of adjacent areas; and make beneficial use of suitable dredged material include:

a. Using dredging setbacks from established channel edges and designing finished slopes to ensure their stability.

b. Locating channels away from erodible features, where feasible.

c. Preventing adverse alteration of basin hydrology.

d. Managing stabilized inlets to limit adverse impacts on waterfront processes.

4.5 ENSURE THAT EXPENDITURE OF PUBLIC FUNDS FOR FLOODING AND EROSION CONTROL PROJECTS RESULTS IN A PUBLIC BENEFIT.

Town and Village investment in shoreline structures exposed to flood, erosion, wind driven wave action and ice movement is generally unwise unless the expenditures of public funds is necessary to diminish the severity of these forces to protect life, limb, or public property. Town or Village investment in measures to protect properties, as in the construction of shoreline structures in the more exposed areas, must weigh the economic benefits to Clayton and its waterfront in view of public costs.

Factors to be used in determining public benefit attributable to the proposed flood control measure include:

a. Economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce;

b. Protection of significant natural resources and maintenance or restoration of waterfront processes;

c. Integrity of natural protective features;

d. Extent of public infrastructure investment; and

e. Extent of existing or potential public use.

Evaluation of these factors may indicate that public expenditure for flood control projects is warranted in developed centers. Give priority in expenditure of public funds to actions that protect public health and safety, mitigate flooding and erosion problems caused by previous human intervention, protect areas of intensive development, and protect substantial public investment in land, infrastructure, and facilities.

Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include:

a. The setback of buildings and structures;

b. The planting of vegetation and the installation of sand fencing and draining;

c. The reshaping of bluffs; and

d. The floodproofing of buildings or their elevation above the base flood level.

Expenditure of public funds for flooding or erosion control projects:

a. Should be limited to those circumstances where public benefits exceed public cost;

b. Is prohibited for the exclusive purpose of protecting private development; and

c. May be apportioned among each level of participating governmental authority according to the relative public benefit accrued.

4.6 THE CONSTRUCTION OR RECONSTRUCTION OF DOCKS, BOATHOUSES, BOAT HOISTS, PUBLIC ACCESS FACILITIES AND OTHER SHORELINE STRUCTURES SHALL BE UNDERTAKEN IN A MANNER WHICH WILL, TO THE MAXIMUM EXTENT PRACTICABLE, PROTECT AGAINST OR WITHSTAND THE DESTRUCTIVE FORCES OF WAVE ACTION AND ICE MOVEMENT.

The western and northern portions of the village peninsula are variably subject to wind driven wave action and ice movement, causing both long- and short-term damage to shoreline structures. Shoreline erosion, on the other hand, is minimal due to the durability of the Potsdam sandstone bedrock typically exposed along the shore and proper design, construction and maintenance of shoreline structures will prolong their utility and benefits when resistance to wave and ice action is included as a design parameter. Construction must conform to existing design, construction, and maintenance standards. Improper design, construction and maintenance standards, may result in loss of structures and potentially create water hazards from debris. This policy will thus assist in slowing the rate of deterioration of shoreline structures and in avoiding disruptions or losses of public access to the St. Lawrence River by increasing the durability of such structures.

4.7 WATER LEVEL MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE LOCAL ECONOMY.

Water levels have a significant impact on fish and wildlife and their habitats, shoreline erosion and flooding, as well as, the local economy. Changes in water levels impact the ability of people to access the Clayton central harbor area, and therefore, any businesses that contribute to the economic base of the community. The Clayton community will support a regional water level management strategy that tames the extremes of high and low water levels and offers significant environmental and economic improvements to the region.

Specifically, the Clayton community would support a regional water level management strategy that would provide the following significant environmental and economic benefits:

a. Restores natural variability in water levels, which creates diversified zones of wetlands that shelter a greater variety of plants, fish, birds, mammals, and other animals and helps protect the recreational fishing industry of the Saint Lawrence River.

b. Provides – on average – higher water levels in the spring and fall, which increases the number of recreational use days on the water, which will in turn provide increased revenue generation for small business owners, increased tax revenues for municipalities, and expansion of tourism opportunities.

c. Increases hydropower generation, which offers a cheaper, renewable energy alternative to fossil fuel power plants. While the siting of such facilities is regulated by the Federal Power Act, caution should be exercised to minimize potential impacts on fisheries and wildlife and their habitats, natural resources, navigation, water-dependent uses, or public access.

d. Does not substantially degrade the local water-related tourism economy.

4.8 ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING.

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon fish and wildlife and their habitats as identified in Section 2.14 and Policy 6, 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 such potential effects must be utilized if the proposed action is to be implemented.

Winter navigation along the St. Lawrence Seaway, which has been proposed in the past, would require ice management practices along the Village and Town's river shoreline. Such practices would involve detrimental impacts on waterfront resources in the local waterfront area. The Town and Village oppose winter navigation in every conceivable way.

4.9 USE ENVIRONMENTALLY SOUND, COST-EFFECTIVE MEASURES, WHEN PROVEN NECESSARY, TO MINIMIZE THE WAVE ACTION AND ICE MOVEMENT ITSELF, SUCH MEASURES SHALL BE PURSUED IN CONSULTATION WITH APPROPRIATE STATE AND FEDERAL AGENCIES, LOCAL INTERESTS, AND EXPERTS IN THE FIELDS OF MARINE ENGINEERING AND CONSTRUCTION.

Erosion protection structures often contribute to erosion both on and off the site due to poor design and siting and lack of down drift remediation. Increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from erosion protection structures. The cumulative impact of these structures can be large. Before a permit is granted to allow construction of erosion protection structures, the purpose, function, impact, and alternatives to a structure need to be carefully evaluated to determine if the structures are necessary, and to avoid adverse impacts.

The western and northern portions of the village peninsula are variably subject to wind driven wave action and ice movement, causing both long- and short-term damage to shoreline structures. Shoreline erosion, on the other hand, is minimal due to the durability of the Potsdam sandstone bedrock typically exposed along the shore. Proper design, construction, and maintenance of shoreline structures will prolong their utility and benefits when resistance to wave and ice action is included as a necessary design parameter. This policy will thus assist in slowing the rate of deterioration of shoreline structures and in avoiding disruptions or losses of public access to the St. Lawrence River by increasing the durability of such structures.

Policy 5 PROTECT AND IMPROVE WATER QUALITY AND SUPPLY.

The purpose of this policy is to protect the quality and quantity of water in the waterfront area. Quality considerations include both point source and nonpoint source pollution management. The primary quantity consideration is the maintenance of an adequate supply of potable water in the region. The primary water resources in the Town and Village of Clayton are the St. Lawrence River and French Creek.

Water quality protection and improvement in the region must be accomplished by the combination of managing new and remediating existing sources of pollution. In some areas with existing water quality impairments, more aggressive remediation measures will be needed.

5.1 PROHIBIT DIRECT OR INDIRECT DISCHARGES, WHICH WOULD CAUSE OR CONTRIBUTE TO CONTRAVENTION OF WATER QUALITY STANDARDS.

This policy focuses on those discharges into the water resources of Clayton's WRA that have an identifiable source, such as a development site, industrial operation, or wastewater treatment plant. These are called "point-source" discharges. Point-source discharges into water resources are regulated by New York State Pollutant Discharge Elimination System (SPDES) permits that serve to prevent discharges that:

a. Exceed applicable effluent limits for the discharge source;

b. Cause or contribute to contravention of water quality classification and use standards;

c. Adversely affect the water quality of receiving waters; or

d. Violate a vessel waste no-discharge zone.

The effective treatment of sanitary sewage and industrial discharges will be ensured by:

a. Maintaining efficient operation of sewage and industrial treatment facilities pursuant to the applicable NYS DEC regulations;

b. Providing, at minimum, secondary treatment of sanitary sewage;

c. Making improvements to wastewater treatment facilities to improve nitrogen removal capacity;

d. Reducing the loading of toxic materials into waters by including limits on toxic metals as part of wastewater treatment plant effluent permits;

e. Reducing or eliminating combined sewer outflows; and

f. Providing and managing on-site disposal systems where applicable in accordance with NYS Codes, Rules and Regulations.

g. New or expanding marinas shall provide adequate sewage pumpout facilities.

The Village of Clayton's municipal sewer system adequately serves most of its waterfront area. On site waste disposal systems will be required in areas not served by sewers in accordance with NYS Department of Health standards. Alternative and innovative disposal systems will be encouraged in areas identified as poorly suited to conventional systems.

5.2 MANAGE LAND USE ACTIVITIES AND USE BEST MANAGEMENT PRACTICES TO MINIMIZE NONPOINT SOURCE POLLUTION OF WATERFRONT AREAS.

Non-point source pollution is pollution that originates from sources that are not localized or easily identifiable. Non-point source pollution includes contaminated surface water runoff of urban areas and agricultural operations. Limiting non-point sources of pollution is the best way to avoid non-point source pollution, which can be accomplished by:

a. Reducing or eliminating the introduction of materials that may contribute to non-point source pollution.

b. Avoiding activities that would increase stormwater runoff.

c. Controlling and managing stormwater runoff.

d. Retaining or establishing vegetation or providing soil stabilization.

e. Preserving natural hydrologic conditions through maintenance of natural water surface flows, thereby retaining natural watercourses, wetlands, and drainage systems.

This policy is particularly applicable to Clayton in that the Village comprises the drainage basins of the St. Lawrence River and a tributary, the French Creek Marsh. Non-point source pollution from roadways, marinas, fertilized lawns and golf courses, eroded stream banks and steep slopes should be prevented through the implementation of the following standards:

a. Develop both watershed planning and protection approaches and efforts targeting specific pollution sources to reverse the degradation of the St. Lawrence River and its tributaries.

b. Develop a Village and Town-wide stormwater management plan, in accordance with current EPA Phase 2 Stormwater Management standards, to address any non-point sources of pollution and to establish physical and regulatory mechanisms to prevent further non-point source pollution.

c. Incorporate integrated pest management (IPM) practices that encourage use of native or other well-adapted, non-invasive species in landscaping and that require minimal-to-no use of fertilizers, pesticides, herbicides, and fungicides.

d. Incorporate the use of oil-separating catch basins at gas stations and parking lots and all other locations where catch basins are proposed as part of development plans.

e. Where marina expansion or development is proposed, incorporate the use of Best Management Practices to prevent pollutants generated from typical marina activities,

such as boat cleaning, fueling operations, waste discharge, and storm water runoff from parking lots and maintenance/repair areas, from entering waterbodies. The EPA National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating and NYS DEC Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State may be used for technical guidance.

5.3 PROTECT AND ENHANCE THE QUALITY OF WATERFRONT AREA WATERS.

Water quality shall be protected based on an evaluation of physical, health, and aesthetic factors. Physical factors include pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity. Health factors include pathogens, chemical contaminants, and toxicity. Aesthetic factors include oils, floatables, refuse, and suspended solids.

To preserve and improve water quality, the Town and Village of Clayton will minimize non-point source pollution, including rainfall and snowmelt, by the following actions:

a. Retaining as much of the natural vegetation as possible near the waterfront and avoiding the mass clearing of sites.

b. Utilizing large graded areas on the most level portions of development sites, and avoiding the development of steep vegetated slopes.

c. Conducting grading and clearing activities outside of the floodplain to the maximum extent feasible.

d. Continually evaluating the effectiveness of storm collection systems, and making improvements, where possible, aimed at collecting and detaining sediments in filtering catch basins and retention areas.

Also, water quality protection involves minimizing disturbance of streams, including their beds and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water; and protecting water quality of the waterway from adverse impacts associated with excavation, fill, dredging, and disposal of dredged material.

New or expanding marinas shall provide adequate sewage pump-out facilities to promote appropriate removal and disposal of recreational boater septic waste. State law regulates the discharge of sewage, garbage, rubbish, and other solid and liquid materials into New York State waterways. Also, specific effluent standards for marine toilets have been publicized by the U.S. Department of Transportation. Priority will be given to the enforcement of this law in significant habitats and public water supply intakes, which need protection from contamination by vessel waste.

Clayton's system of stormwater sewers and catch basins, which capture rain water contaminated with eroded soil, automotive residue, road salts, petroleum, and other pollutants, runs directly into the St. Lawrence River. Local measures to control and manage erosion and

excessive runoff are essential in preventing degradation of the St. Lawrence River's water quality.

Leaking underground storage tanks (LUSTs) are also a common cause of water resource degradation. The siting and subsequent installation of petroleum storage facilities in Clayton should be subject to vigorous review and inspection standards.

5.4 LIMIT THE POTENTIAL FOR ADVERSE IMPACTS OF WATERSHED DEVELOPMENT ON WATER QUALITY AND QUANTITY.

Protect water quality by ensuring that watershed development results in:

a. Protection of areas that provide important water quality benefits;

b. Maintenance of natural characteristics of drainage systems; and

c. Protection of areas particularly susceptible to erosion and sediment loss.

In addition, it is important to limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed, which would result in a failure to meet water quality standards. It is particularly important that sensitive areas be protected during construction of approved in the watershed areas. Measures to control the loss of soil and ensure bank stability in the St. Lawrence River and along French Creek are crucial to the continued health and viability of these waters.

5.5 PROTECT AND CONSERVE THE QUALITY AND QUANTITY OF POTABLE WATER.

The St. Lawrence River is the principal source of water supply for both the Town and Village of Clayton. Groundwater sources also are used in the WRA not served by the Village's water system. Both sources must be protected. Prevent contamination of potable waters by limiting discharges of pollutants and limiting land uses which are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies. Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

Policy 6: PROTECT AND RESTORE THE QUALITY AND FUNCTION OF THE ECOSYSTEM.

The ecosystem consists of physical (non-living) components, biological (living) components, and their interactions. The physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include the plants, animals, and other living things in and around the shore. Habitat protection is fundamental to assuring the survival of fish and wildlife populations, which are critical elements of the ecosystem.

Certain natural resources that are important for their contribution to the quality and biological diversity of the ecosystem have been specifically identified by the State for protection. These natural resources include regulated freshwater wetlands; designated Significant Waterfront Fish and Wildlife Habitats; and rare, threatened, and endangered species. In addition to specifically identified discrete natural resources, the quality of the ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering songbirds, or benthic communities. These more common natural resources collectively affect the quality and biological diversity of the ecosystem.

6.1 PROTECT AND RESTORE ECOLOGICAL QUALITY.

The overall intent of this policy is to improve or restore ecological quality through protection of natural resources. The principles of the policy follow:

a. Avoid significant adverse changes to the quality of the ecosystem as indicated by physical loss, degradation, or functional loss of ecological components.

b. Maintain values associated with natural ecological communities.

c. Retain and add indigenous plants.

d. Avoid use of non-indigenous plants that are invasive species likely to alter existing natural community composition.

e. Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.

f. Avoid permanent adverse change to ecological processes.

g. Reduce adverse impacts of existing and new development to the maximum extent practical.

h. Protect and enhance activities associated with sustainable human use or appreciation of natural resources.

i. Avoid new development activities that may cause or cumulatively contribute to permanent adverse changes to the ecological complexes and their natural processes. When avoidance is proven to be impossible, minimize the impacts of the project to the maximum extent feasible and mitigate any physical loss or degradation of ecological elements. Use mitigation measures that are likely to result in the least environmentally damaging feasible alternative.

j. Focus State actions on protection, restoration, and management of natural resources.

The Clayton area of the St. Lawrence River is endowed with exceptional fishing resources. Demand continues to increase for access to these resources. The Town and Village of Clayton

will continue to cooperate with state and local government agencies to expand recreational uses of these resources while ensuring their protection.

6.2 PROTECT, PRESERVE, AND WHERE PRACTICAL RESTORE SIGNIFICANT WATERFRONT FISH AND WILDLIFE HABITATS.

Significant fish and wildlife habitats are those areas that are difficult or impossible to replace or ones that exhibit one or more of the following characteristics:

a. Essential to the survival of a viable population of a particular fish or wildlife species.

b. Support a species, which is either endangered, threatened or of special concern (as defined in 6 NYCRR Part 182).

c. Support fish or wildlife population having significant commercial, recreational, or educational value to human beings, or of a type that is not commonly found in this region of the state.

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

a. Draining wetlands, ponds: Cause changes in vegetation, or changes in groundwater and surface water hydrology.

b. Filling wetlands, shallow areas of streams, lakes, bays, estuaries: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).

c. Grading land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.

d. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.

e. 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.

f. Dredge spoil disposal: May induce shoaling of littoral areas, or change circulation patterns.

g. Physical alteration of shore areas through channelization or construction of shore structures: May change in volume and rate of flow or increased scouring, sedimentation.

h. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material pesticide, sewage effluent, urban and rural runoff, 1echate of hazardous and toxic substances stored in landfills: May cause

increased mortality of sub-lethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

i. The range of physical, biological and chemical parameters that should be considered include but are not limited to the following:

1. Physical parameters such as: Living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates.

2. Biological parameters such as: Community structure, food chain relationship, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns, and migratory patterns.

3. Chemical parameters such as: Dissolved oxygen, carbon dioxide, ph, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxic and hazardous materials).

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the narrative beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

All projects along the waterfront, and especially projects involving waterfront access, shall be developed in a manner that ensures the protection of fish and wildlife resources. Project reviewers must consider potential impacts on fish and wildlife habitats, avoid project development and other activities that would destroy or impair habitats, and encourage project design that will restore previously impacted habitats for desirable species.

Where destruction or significant impairment of habitat values has already occurred or has been proven to be unavoidable, mitigation may be considered to minimize potential impacts of a proposed action which significantly advances one or more LWRP policies or goals. Mitigation includes:

a. Avoiding ecologically sensitive areas.

b. Scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions.

c. Preventing fragmentation of intact habitat areas.

d. Reducing the scale or intensity of use or development.

e. Designing projects to result in the least amount of potential adverse impact.

f. Choosing alternative actions or methods that would lesson potential impact.

French Creek Marsh (including the French Creek Wildlife Management Area); Grindstone Island Wetlands; Thousand Island Tern Colonies; Eel Bay; and St. Lawrence River Shoreline Bays (specifically Carrier Bay) are locally significant fish and wildlife habitats located within or near Clayton's waterfront

(see Section 2.14.2 and LWRP Map 10). They should be protected and preserved to maintain their viability and value to the Town and Village and the region.

6.3 PROTECT AND RESTORE FRESHWATER WETLANDS.

To protect and restore freshwater wetlands this policy recommends using the following management measures, which are presented in order of priority:

a. Prevent the net loss of vegetated wetlands by avoiding fill, draining, or excavation.

b. Minimize adverse impacts resulting from unavoidable fill, excavation, or other activities.

c. Provide for compensatory mitigation for unavoidable adverse impacts that may remain after all appropriate and practicable minimization measures have been taken.

d. Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values.

In addition, restore freshwater wetlands wherever practical to foster their continued existence as natural systems.

This policy relates to, but is not limited to, extensive freshwater environments associated with French Creek, French Creek Wildlife Management Area, two areas on the mainland at Blind Bay, Carrier Bay, an area adjacent to Murray Island, and eleven areas within and coterminous to Grindstone Island (see Section 2.13.2 and LWRP Map 9). It also relates to NWI wetlands and wetlands which may not be mapped.

Recognizing that the possibility exists where wetland impacts may be unavoidable to accommodate beneficial development, mitigation of such wetland loss shall only be considered where first, it has be demonstrated that impacts to the wetland cannot be avoided entirely, and then demonstrated that unavoidable losses or impacts on the functions or benefits of the wetland have been minimized. The preferred order of compensatory mitigation is wetland restoration, then creation, and finally enhancement. Mitigation ratios shall result in a net gain of wetland acreage and value, and shall be evaluated and set on a project-by-project basis, considering the functions and benefits lost or gained, the acreage involved, and the mitigation being proposed.

Wetlands are protected under the NYS Freshwater Wetlands Act to preserve, protect and conserve freshwater wetlands and their benefits, consistent with the general welfare and beneficial economic, social and agricultural development of the state and under Section 404 of the federal Clean Water Act.

6.4 PROTECT VULNERABLE FISH, WILDLIFE, AND PLANT SPECIES, AND RARE ECOLOGICAL COMMUNITIES.

It is the intent of this policy to afford reasonable protection to plant, fish and wildlife species and communities with standing in New York State's Natural Heritage, Significant Habitats, Endangered Species or other authoritative programs, even though they may occupy habitat outside the bounds of a designated Significant Waterfront Fish and Wildlife Habitat. Such species are commonly at risk due to loss or degradation of their habitat. As mentioned in the Endangered Species in New York, a report produced by the New York State Department of Environmental Conservation, "Most endangered species have declined because changes in the environment have reduced their habitats. This loss of habitat results in the greater pressure on creatures which need special or unusual conditions to survive."

Any proposed activity that may substantially degrade occupied habitat for such species or communities shall be considered on the Environmental Assessment Form as an action that may: remove a portion of a critical or significant wildlife habitat; occupy a site containing a species of plant or animal life that is identified as threatened or endangered; and/or may substantially interfere with any resident or migratory fish and wildlife species.

Species at risk currently occupying waterfront area habitats outside the bounds of designated Significant Waterfront Fish and Wildlife Habitats include, but are not limited to: the Bald Eagle (Federal and New York State Endangered); Northern Harrier and Common Tern (New York State Threatened); Common Loon (New York State Species of Special Concern); Small Skullcap (a flowering plant rated as especially vulnerable, with 5 or fewer recorded occurrences in New York State); Lake Sturgeon (New York State Threatened); and Muskellunge (status unrated, but of significant concern at local and state levels).

Although fish, wildlife and plant species at risk might occupy the full range of habitats present in the waterfront area, some habitat types warrant special attention:

- Open water pools in the winter ice cover.
- The leading edge of ice cover, where it meets the water.
- Mature forest stands, and isolated tall trees near open pools of water in the ice cover.
- Upland wetlands.
- Wetlands along the St. Lawrence River Shoreline.
- Uninhabited islands and shoals, of 2 acres or less in size, especially if they lack tall (approximately 20 ft. or greater) tree cover.
- Shallow water areas to depth of approximately 18 feet, especially if supporting submerged, floating or emergent aquatic vegetation.
- Hay fields, pastures and open fields in succession (such as abandoned farm fields).

- Significant Habitats and Natural Heritage Element Sites as plotted on maps held by the NYS Department of Environmental Conservation located at 317 Washington Street, Watertown, NY.

Policy 7 PROTECT AND IMPROVE AIR QUALITY IN THE WATERFRONT AREA.

This policy provides for protection from air pollution generated within the waterfront area or from outside the waterfront area which adversely affects air quality.

7.1 CONTROL OR ABATE EXISTING AND PREVENT NEW AIR POLLUTION.

New land uses or developments in Clayton are to be reviewed according to the following standards to ensure they do not exacerbate air pollution:

a. Ensure that proposed development in Clayton does not exceed thresholds established by the Federal Clean Air Act and state air quality laws.

b. Limit pollution resulting from vehicle or vessel movement or operation.

c. Limit actions, which directly or indirectly change transportation uses or operations and result in increased pollution.

d. Consider measures to reduce car dependency including providing safe pedestrian access throughout the Village and encourage the use of public transportation throughout the Town and Village.

e. Recycle or salvage air contaminants using best available air cleaning technologies.

f. Restrict emissions or air contaminants to the outdoor atmosphere that are potentially injurious to human, plant, or animal life or property, or may unreasonably interfere with the comfortable enjoyment of life or property.

g. Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

h. Encourage the development of clean, renewable energy sources as a replacement for burning fossil fuels.

7.2 LIMIT DISCHARGES OF ATMOSPHERIC RADIOACTIVE MATERIAL TO A LEVEL THAT IS AS LOW AS PRACTICABLE.

State air quality statutes regulate radioactive materials, chlorofluorocarbon compounds, and nitrogen pollutants. The following standards provide that, for actions with a potential impact on air quality, Clayton shall provide information to the state, as appropriate, to enable the state to effectively administer its regulations by:

a. Providing necessary information on local actions to enable the state to effectively administer its air quality statutes pertaining to atmospheric radioactive material.

b. Assisting the state whenever possible in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region, particularly from nitrogen sources.

7.3 LIMIT SOURCES OF ATMOSPHERIC DEPOSITION OF POLLUTANTS TO THE ST. LAWRENCE RIVER AND ITS TRIBUTARIES, PARTICULARLY FROM NITROGEN SOURCES.

State air quality standards regulate sources of nitrogen pollution. For actions with a potential impact on air quality, the Town and Village shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region, particularly nitrogen sources.

Policy 8 MINIMIZE ENVIRONMENTAL DEGRADATION IN THE WATERFRONT AREA FROM SOLID WASTE AND HAZARDOUS SUBSTANCES AND WASTES.

The intent of this policy is to protect people from sources of contamination and to protect waterfront resources from degradation through proper control and management of commercial and industrial wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites to permit redevelopment. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination.

8.1 MANAGE SOLID WASTE TO PROTECT PUBLIC HEALTH AND CONTROL POLLUTION.

Solid waste should be managed by:

a. Reducing the amount of solid waste generated.

b. Reusing or recycling materials.

c. Using land burial or other approved methods to dispose of solid waste that is not reused or recycled.

Using proper handling, management, and transportation practices should prevent the discharge of solid wastes into the environment. Solid waste management facilities should operate with methods that prevent or reduce water, air, and noise pollution and other conditions harmful to the public health.

Solid waste disposal should be adequately addressed when evaluating any development proposal or activities generating solid wastes in Clayton.

8.2 MANAGE HAZARDOUS WASTES TO PROTECT PUBLIC HEALTH AND CONTROL POLLUTION.

Hazardous wastes should be managed in accordance with the following priorities:

a. Eliminate or reduce the generation of hazardous wastes to the extent feasible;

b. Recover, reuse, or recycle remaining hazardous wastes to the extent feasible;

c. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled; and

d. Use land disposal as a last resort.

In addition, these guidelines should be followed regarding hazardous waste:

a. Phase out land disposal of industrial hazardous wastes.

b. Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage, and disposal.

c. Remediate inactive hazardous waste disposal sites. While there are no known inactive hazardous waste disposal sites within the WRA, should any be identified in the future they should be investigated and remediated in the appropriate manner to minimize impact on the environment.

8.3 PROTECT THE ENVIRONMENT FROM DEGRADATION DUE TO TOXIC POLLUTANTS AND SUBSTANCES HAZARDOUS TO THE ENVIRONMENT AND PUBLIC HEALTH.

This policy addresses preventing the release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources. Prevent environmental degradation due to persistent toxic pollutants by: limiting discharge of bioaccumulative substances, avoiding re-suspension of toxic pollutants and hazardous substances and wastes, and avoiding reentry of bioaccumulative substances into the food chain from existing sources. Prevent and control environmental pollution due to radioactive materials.

Public health, private property, and fish and wildlife need to be protected from the inappropriate use of pesticides and petroleum products by:

a. Limiting the use of pesticides by effective targeting of actual pest populations.

b. Preventing direct or indirect entry of pesticides into waterways except when waterway application is essential for controlling the target species as in pond reclamation projects, black fly control operations, or nuisance aquatic vegetation control projects.

c. Minimizing the exposure of people, fish, and wildlife to pesticides.

d. Minimizing adverse impacts from potential oil spills through the appropriate siting of petroleum facilities.

e. Preventing discharge of petroleum products by following approved handling, storage, and facility design and maintenance principles.

Appropriate action should be taken to correct all unregulated releases of substances hazardous to the environment.

8.4 PREVENT AND REMEDIATE DISCHARGE OF PETROLEUM PRODUCTS.

Because of its location along the St. Lawrence Seaway, the Town and Village of Clayton is subject to the dangers surrounding the shipment of petroleum and other hazardous materials. The Town and Village encourage the maximum practicable measures that will prevent or at least minimize spills and discharges of such materials into its waterfront waters.

The handling of petroleum products near water bodies must be undertaken with utmost care. The following guidelines should be applied to the Town and Village of Clayton:

a. Minimize adverse impacts from potential oil spills by appropriate siting of petroleum offshore loading facilities.

b. Have adequate plans for prevention and control of petroleum discharges in place at any major petroleum-related facility.

c. Prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.

d. Undertake clean-up and removal activities, giving first priority to minimizing environmental damage by:

    1. Responding quickly to contain petroleum spills.
    2. Containing discharges immediately after discovery.
    3. Recovering petroleum discharges using the best available practices.
    4. Encouraging careful self-monitoring of auto-related businesses.

The U.S. EPA is the lead federal response agency for oil spills occurring in inland waters, while the U.S Coast Guard is the lead response agency for spills in coastal waters and deepwater ports. The Oil Pollution Act of 1990 (OPA 90) amended section 311(j) of the Federal Water Pollution Control Act (FWPCA) to require the preparation and submission of oil spill response plans by the owners or operators of certain facilities and vessels, and also requires that the vessel or facility be operated in

compliance with its submitted response plan. These plans must document agreements with oil spill cleanup organizations to respond in the event of an oil spill, be approved by the USCG or EPA, and be tested regularly.

8.5 TRANSPORT SOLID WASTE, HAZARDOUS SUBSTANCES, AND HAZARDOUS WASTE IN A MANNER WHICH PROTECTS THE SAFETY, WELL-BEING, AND GENERAL WELFARE OF THE PUBLIC; THE ENVIRONMENTAL RESOURCES OF THE STATE; AND THE CONTINUED USE OF TRANSPORTATION FACILITIES.

As part of its solid waste management plan, the Town and Village will incorporate guidelines to carry out the intent of this policy in its collection and transport of solid waste.

8.6 SITE SOLID AND HAZARDOUS WASTE FACILITIES TO AVOID POTENTIAL DEGRADATION OF COASTAL RESOURCES.

The purpose of the Clayton WRA is to create a waterfront that is attractive to tourists and residents, as well as to preserve waterfront lands or water-dependent and water-enhanced uses. For these reasons, the siting of solid and hazardous waste facilities in the WRA is considered an inappropriate use of land, therefore alternative appropriate locations outside the WRA shall be considered first when siting new facilities.

PUBLIC WATERFRONT POLICIES

Policy 9 PROVIDE FOR PUBLIC ACCESS TO, AND RECREATIONAL USE OF, THE WATERWAY, PUBLIC LANDS, AND PUBLIC RESOURCES OF THE WATERFRONT AREA.

This policy incorporates measures needed to provide and increase public access throughout the waterfront area. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. Another measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

The particular water-related recreation resources and facilities, which will receive priority for improved access in Clayton's waterfront, are fishing areas, swimming areas, boating facilities and passive/active recreational parks. To optimize the use of these resources, the Town and Village must facilitate alternative modes of access, including pedestrian, vehicular and waterborne.

Clayton's waterfront has historically provided opportunities for access to the St. Lawrence River and its associated recreational resources. However, the extent of public access, both physical and visual, is

surprisingly limited in view of the Town and Village's unique waterfront setting in the Thousand Islands area. Past ownership and development patterns have eliminated many access opportunities.

Specifically in the Village, present conflicts between pedestrian and vehicular modes of access to or within the waterfront compound the access limitations along Riverside Drive. Resolution of these conflicts through streetscape improvements and a comprehensive pedestrian access system, such as the RiverWalk, will ensure optimum use of the waterfront and Clayton's water-related recreational resources, while also connecting cultural institutions and neighborhoods.

Measures taken to increase the supply and effective use of parking in this part of the Village waterfront will support both revitalization efforts and improved vehicular access to the Village's waterfront recreational facilities. A coordinated signage program should provide improved recognition of available parking.

Both public and private commercial measures can be taken to expand docking and support facilities to improve the accessibility of Clayton's water-related recreational resources to boaters from within the community and from outlying areas along the St. Lawrence River. Development or expansion of marinas and community docks is preferable to the proliferation of new private single-family docks. Expansion of the municipal docks at the west end of Mary Street and construction of a transient dock facility on the Frink America property will increase overnight docking capability and, thus, will increase the opportunity for boaters to visit the Village’s shoreline parks, cultural and commercial establishments along Riverside Drive.

Development and expansion of private marinas, to the extent possible, will similarly improve waterborne access from the western and eastern sides of the Village peninsula. Maintenance of existing and newly developed dockage and marina facilities will be necessary to ensure their continued service. Joint public-private efforts will be appropriate in diminishing actual or potential damages to these facilities from wave and ice action.

Most of the Town’s waterfront is in private ownership. Exceptions include Canoe and Picnic Point State Parks, Potter’s Beach, and the Town-owned Upper Landing on Grindstone Island, and the French Creek Wildlife Management Area on the Town mainland. These publicly owned lands should be retained in public ownership. The Town should work with TILT to develop further public access opportunities on TILT property.

In order to improve access to the waterfront, and along the waterfront, the village and town may also consider negotiating with private property owners for the purchase of desirable parcels or easements along waterfront properties. In particular, the village may consider acquiring easements, which could enhance or expand the proposed Riverwalk.

Any action taken to increase public access should enhance or, at a minimum, be consistent with local efforts to revitalize deteriorated and/or underutilized areas, facilitate water-dependent uses, protect historic resources and increase the recreational use of the St. Lawrence River, French Creek and their fish and wildlife resources.

Agencies shall give consideration to the Town and Village's existing and potential public access when considering proposed development actions. They should, to the extent permitted by other waterfront policies, encourage new or improved pedestrian, vehicular and/or waterborne access to Clayton's recreational facilities while ensuring that their actions do not jeopardize present levels of access or safety.

9.1 PROMOTE APPROPRIATE AND ADEQUATE PHYSICAL PUBLIC ACCESS AND RECREATION THROUGHOUT THE WATERFRONT AREA.

Public access and recreation facilities improve the quality of life for residents and generate revenues for the businesses throughout Clayton. The following standards will be used as a guide in making future decisions regarding public access and expanding recreation opportunities:

a. Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and needs of special groups.

b. Provide convenient, well-defined, physical public access to and along the shoreline for water-related recreation.

c. Protect and maintain existing public access and water-related recreation.

d. Provide additional physical public access and recreation facilities at public sites.

e. Provide physical access linkages throughout the waterfront area.

f. Include physical public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit the public's use and enjoyment of public waterfront lands and waters.

g. Provide incentives to private development which provides public access and/or water-related recreation facilities.

h. Restrict public access and water-related recreation on public lands only where incompatible with public safety and protection of natural resources.

i. Ensure access for the general public at locations where State or Federal funds are used to acquire, develop, or improve parkland.

9.2 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. OBTAIN PUBLIC ACCESS TO THE FORESHORE THROUGH THE USE OF EASEMENTS, LAND PURCHASE OR OTHER MEASURES WHERE NECESSARY AND FEASIBLE.

In Clayton, few recreational facilities provide water-related recreational activities. In addition, there is limited access to the waterfront for pursuits that require only minimal facilities for their

enjoyment. Increased access would allow for walking along the Village waterfront or to a vantage point in the Town from which to view the St. Lawrence River. Similar activities requiring access would include bicycling, bird watching, photography, nature study, and fishing. To increase public access and recreation opportunities, the Town and Village should develop or expand both water-dependent and water-enhanced public access and recreation facilities along the entire shoreline.

Most of the Town's waterfront is in private ownership. Exceptions include Canoe and Picnic Point State Parks, Potter's Beach, and the Town-owned Upper Landing on Grindstone Island, and the French Creek Wildlife Management Area on the Town mainland. These publicly owned lands should be retained in public ownership.

Given that access to Canoe and Picnic Point State Park and Upper Landing on Grindstone Island is by boat only, and existing Town boat launching facilities do not adequately meet current demand, there is a need for additional boat launching capabilities for Town residents and visitors. Additional public access for Town and Village residents and tourists could be facilitated in the Village of Clayton, where several opportunities exist to develop water-related recreational facilities. Any arrangement that the Town may enter into with the Village of Clayton, which may require an intermunicipal agreement, would have to address the Town's need for increased boat launching facilities.

In waterfront areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly owned lands of the waterfront at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for bicycling, bird watching, photography, nature study, swimming, fishing, hunting and trapping.

For those activities, there are several methods of providing access, which will receive priority attention of the Local Waterfront Revitalization Program. These include: the development of a waterfront trails system; the provision of access across transportation facilities to the shoreline; the improvement of access to waterfronts throughout the Town; and the promotion of mixed and multi-use development.

While 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 waterfront resources.

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

a. Existing access from adjacent or proximate public lands or facilities to existing public waterfront land and/or waters shall not be reduced or eliminated, nor shall the

possibility of increasing access in the future from adjacent or nearby public lands or facilities to public waterfront lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding local, 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 guideline:

1. A reduction in the existing level of public access includes, but is not limited to, the following:
    - 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.
    - Pedestrian access is diminished or blocked completely by public or private development.
2. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
    - 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.
    - Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
    - Construction of private facilities that physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

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

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

1. 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.

2. The level of access to be provided shall not cause a degree of use that would exceed the physical capability of the resource waterfront lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

The following are recommendations to respond to this policy:

1. Develop and maintain public access from the Antique Boat Museum to the southwestern shoreline of Goose Bay via the RiverWalk, understanding that some portions of the RiverWalk will weave in and out from the water's edge back to the street side, incrementally building a fully integrated pedestrian network.
2. Develop, protect and maintain pedestrian access to and linkages between public water-related recreational uses and facilities throughout the peninsula through integration of the RiverWalk.
3. Increase, maintain and protect waterborne access to the Town and Village's shoreline recreation resources for Town and Village residents and visitors. Additional public access could be facilitated for both the Town and Village through public dockage at the Village docks on Riverside Drive, the Mary Street docks, expansion of the Town dock on Grindstone Island, and new transient, overnight docking at the Frink America property. The Village will encourage expansion and upgrading of private marina facilities along the western and eastern side of the peninsula. The community will develop, protect and maintain vehicular access to public water-related recreational uses throughout the western and eastern portions of the peninsula.
4. Maintain and repair, as needed, those facilities under local government control, which affect public use of the waterfront and provide necessary safety and sanitation services for areas under local jurisdiction.
5. Develop and expand water-dependent and water-enhanced public access and recreation facilities along the northern and western sides of the Village peninsula and, if feasible, in the southwest corner of Goose Bay.
6. Encourage the development and expansion of water-dependent and water-enhanced semi-public cultural facilities along the northern and western sides of the Village peninsula, particularly in Frink Memorial Park and the property east.
7. Increase fitness opportunities for visitors and residents by providing trails, swimming areas, and access to kayak, canoe, and paddleboat rentals.
8. Relocate the Municipal Wastewater Treatment Plant and redevelop the property in a way that provides open space and public access to the water.

9. Provide increased access to French Creek and the associated wildlife management area for recreational activities, such as skating, fishing, bicycling, paddling, and bird watching.

9.3 PROVIDE PUBLIC VISUAL ACCESS TO WATERFRONT LANDS AND WATERS OR OPEN SPACE AT ALL SITES WHERE PHYSICALLY PRACTICAL.

The Saint Lawrence River and inland scenic resources define the character of Clayton's waterfront area. These resources have significant impact on private property values and the resultant tax base. The Town and Village should take actions on municipal property to improve and enhance visual access to the River from both public and private space. In addition, the community has interest in developing public viewing areas specifically for viewing freighters and other ships in the international shipping channel, with schedules and other information communicated on a viewing board. To the extent feasible, views of the waterfront from roads and public access locations should also be expanded to allow full appreciation of the beauty of these resources, and to increase the attractiveness of the waterfront and the community's open space for residents and visitors.

The following standards should be applied with respect to increasing visual access to waterfront lands and waters or open space:

a. Limit physical blockage of existing visual access by constructing improvements and buildings at an appropriate scale and location.

b. Protect view corridors provided by streets and other public areas leading to the shoreline areas.

c. Use structural design and building siting techniques to preserve or retain visual access and minimize obstruction of views.

d. Provide public visual access from vantage points on the site where development of the site blocks visual access from inland public vantage points.

e. Provide visual access to areas of high visual quality including community waterfronts, water-dependent uses, agriculture, natural resources, and panoramas of the Saint Lawrence River.

f. Provide interpretive signs/kiosks/exhibits at appropriate locations to enhance the understanding and enjoyment of views.

g. Allow and encourage vegetative or other screening of uses that detract from the visual quality of the waterfront.

h. Adopt and enforce regulatory and land use mechanisms that preserve and enhance visual resources.

9.4 PRESERVE THE PUBLIC INTEREST IN AND USE OF LANDS AND WATERS HELD IN PUBLIC TRUST BY THE STATE AND OTHER PUBLIC ENTITIES.

The following practices should be used with respect to preserving the public interest in and use of lands and waters held in public trust by the state, and other public entities:

a. Limit grants, easements, permits, or lesser interests in lands underwater to those instances where they are consistent with the public interest in the use of public trust lands.

b. Determine ownership, riparian interest, or other legal right prior to approving private use of public trust lands under water.

c. Limit grants, including conversion grants, in fee of underwater lands to exceptional circumstances.

d. Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways, which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

e. Evaluate opportunities to re-establish public trust interests in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits resulting from the Public Trust Doctrine.

f. Partner with the TILT to develop public uses of Zenda Farm Preserve, a 400-acre historic farm landscape with views of the Saint Lawrence River and French Creek. Zenda Farm Preserve is adjacent to the 2,600-acre French Creek Wildlife Management Area owned by the NYS Department of Environmental Conservation.

9.5 ASSURE PUBLIC ACCESS TO PUBLIC TRUST LANDS AND NAVIGABLE WATERS.

Guidelines for achieving this policy include the following:

a. Ensure that the public interest in access below mean high water and to navigable waters is maintained.

b. Allow obstructions to public access when necessary for the operation of water-dependent uses and their facilities.

c. Permit interference with public access for riparian non-water-dependent uses in order to gain the minimum necessary reasonable access to navigable waters.

d. Use the following factors in determining the minimum access necessary: the range of water level fluctuation, the size and nature of the water body, the uses of the adjacent waters by the public, proximity to public marinas, and whether alternative means to gain access are available.

e. Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.

9.6 PROVIDE ACCESS AND RECREATION THAT IS COMPATIBLE WITH NATURAL RESOURCE VALUES.

In designing access facilities to and along the waterfront, provisions should be made for the protection and enhancement of natural habitat and wetlands, including, but not limited to, French Creek. Access facilities at the water's surface, i.e. water trails, boat launches, and docks, should be sited and designed with minimum impact to shoreline habitats and the river bottom, or to land-based natural resources used for access to the waterfront. Where possible, existing access facilities should be used and enhanced rather than building new facilities.

Access and recreational activities must avoid adverse impacts on natural resources. The following factors will be utilized in determining the potential for adverse environmental effects:

a. The intensity of the anticipated recreational activity.

b. The level of disturbance associated with the activity.

c. The sensitivity of the natural resources involved.

d. The impacts of required operations and maintenance activity.

Access should be limited where the uncontrolled public use of a recreational facility or public access site would impair the natural resources. The following additional standards and guidelines will be applied in analyzing recreation and public access projects along waterfront areas:

a. Provide access for fish and wildlife related activities, so long as the level of access would not result in the unacceptable adverse impacts to, or loss of, the resources themselves.

b. Use methods and structures of access that maintain and protect open space areas associated with natural resources.

c. Impose seasonal limitations on public access where necessary to avoid adverse environmental impacts. This is especially true during the winter season when snowmobiles can cause damage to the banks of rivers and streams and cause excessive noise, and during drought periods when soil and vegetation are easily eroded.

9.7 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

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, or a reasonable demand for public use cannot be foreseen. In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect recognition that some risk is acceptable in the use of recreational facilities. Prior to taking action relative to any development, state and local government agencies should consult with the Town or Village to determine appropriate recreation uses. The agency should provide 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 the total project costs. Current and future development activities in Clayton to redevelop the west end of Riverside Drive and strengthen commercial establishments in the Village core should be integrated with the improvement of public access and recreational facilities as multiple uses. Municipal approvals of private development projects will assure that recreation, as a multiple use, will be required when appropriate in any development activities within this part of the waterfront.

WORKING WATERFRONT POLICIES

Policy 10 PROTECT WATER-DEPENDENT USES, PROMOTE SITING OF NEW WATER-DEPENDENT USES IN SUITABLE LOCATIONS, AND SUPPORT EFFICIENT MARINA OPERATIONS.

The intent of this policy is to protect existing water-dependent commercial and recreational uses and to promote future siting of water-dependent uses at suitable locations. It is also the intent of this policy to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure for water-dependent uses and their efficient operation. Water-dependent uses are vital to the economic health of the region and therefore the town and village will facilitate the location and expansion of water-dependent uses with particular emphasis on those that will contribute to local revitalization efforts and tourism development.

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

The development of water-related recreation must be consistent with the preservation and enhancement of such important waterfront resources as fish and wildlife habitats, aesthetically significant areas, and historic and cultural resources. If the demand exists, water-related recreation development should be increased.

Water-dependent uses shall have a higher priority than any non-waterfront 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 waterfront dependent uses will require a case-by-case analysis. The siting or design of new public development in a manner that would result in a barrier to the recreational use of a major portion of a community's shore shall be avoided.

10.1 PROTECT EXISTING PUBLIC AND COMMERCIAL WATER-DEPENDENT USES.

Actions that would displace, adversely impact, or interfere with existing public and commercial water-dependent uses should be avoided. Conversely, actions that enhance and protect marine and public access facilities should be encouraged.

Uses such as marinas, boat repair facilities, tour boat operations and bait and tackle shops will be encouraged along the western side of the Village peninsula. The suitability of these areas for water-dependent uses has already been established by the presence and continued operation of such uses. Portions of these areas are deteriorated and/or underutilized and, therefore provide important target areas for new investment. Local residents are committed to supporting small businesses in Clayton so that they thrive, not merely survive.

Projects along the water's edge in the Village peninsula shall incorporate the Clayton RiverWalk, a key component of the revitalization of the Village's commercial core. The RiverWalk is intended to foster this revitalization by redefining how the water's edge and commercial core are integrated, and connecting important cultural and entertainment destinations within the community. The development of the entire RiverWalk is recommended in this document.

Particular attention should be given to the attraction of marine activities to French Creek Bay in relation to the visual appeal of the St. Lawrence River. The community is encouraged to facilitate new locations, redevelopment and expansion of water-based commercial recreation facilities, marine support services and other water-dependent commercial uses along the western and eastern sides of the Village peninsula and, to a limited extent, along the eastern side of French Creek. Marine-related commercial operations should also be encouraged to keep areas visible to passers-by as a testament to the heritage of the community.

10.2 PROMOTE THE SITING OF NEW PUBLIC AND COMMERCIAL WATER-DEPENDENT USES AT SUITABLE LOCATIONS AND PROVIDE FOR THEIR SAFE OPERATION.

Adverse impacts of new and expanding public and commercial water-dependent uses should be minimized. Water-dependent uses should be sited in locations where:

a. The need for dredging is minimized;

b. Waterside and landside access, as well as upland space for parking and other facilities, is adequate;

c. The necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply and sewage disposal facilities, and vessel waste pump-out and waste disposal facilities; and

d. Water quality classifications are compatible.

e. Adjacent residential land use is not significantly impacted by noise, order, and visual impacts.

10.3 IMPROVE THE ECONOMIC VIABILITY OF WATER-DEPENDENT USES.

Many water-dependent uses are often supported by or contain non-water dependent uses, which complement and support the water-dependent uses. Non-water-dependent accessory or mixed-use development will be encouraged if the use meets the following criteria:

a. Accessory uses are subordinate and functionally related to the principal water-dependent use and contribute to sustaining the water-dependent use;

b. Mixed uses support the water-dependent use and are accompanied by a demonstrable commitment to continue operation of the water-dependent use;

c. Uses are sited and operated so as not to interfere with the principal operation of the site for a water-dependent use; and

d. Users do not preclude future expansion of a water-dependent use.

e. Locations with important natural resource values, such as wetlands and fish and wildlife habitats, should be avoided.

Other uses may be included in the waterfront, especially water-enhanced and marine support services, as long as these uses:

a. Improve the working waterfront and its character;

b. Do not hinder efficient operation of another water-dependent use; and

c. Make beneficial use of a waterfront location through siting and design to increase public enjoyment of the waterfront.

The Town and Village will encourage the location and expansion of resorts, motels, restaurants, residential and other water-enhanced commercial facilities along the northern tip and eastern portions of the Village peninsula as well as along the north side of Route 12 and the south side of Route 12E, west of the Route 12E Bridge at French Creek. Each of these areas already has, to a certain extent, an orientation to the development of water-enhanced accommodations or commercial facilities for the tourist.

The Village will also encourage local museums, arts and craft shows, and other semi-public cultural facilities, which depend on or are enhanced by a location near the water. The principal areas for expanding or attracting and siting such facilities will be along Riverside Drive, at the

west end of Mary Street where certain semi-public uses have already located and within Frink Memorial Park and adjoining lands.

10.4 PROMOTE EFFICIENT MANAGEMENT OF SURFACE WATERS AND UNDERWATER LANDS.

Lack of effective water use management contributes to congestion and competition for space within harbors, surface waters, and underwater lands. As a result, natural resources can be degraded and communities are not able to take advantage of tourism and economic growth opportunities. Guidelines for achieving this policy include the following:

a. Limit congestion of harbor waters, conflict among uses, foster navigational safety, and minimize obstructions in the waterway to reduce potential hazards to navigation.

b. Prohibit any increase or additional use of the waterway if such an increase or addition poses a public safety hazard, which cannot be mitigated.

c. Prohibit intrusions or encroachments upon navigation channels and other identified vessel use areas.

Policy 11 PROMOTE SUSTAINABLE USE OF FISH AND WILDLIFE RESOURCES.

Recreation uses of fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching, and nature studies.

The following guidelines should be considered relative to State and Federal regulations as they relate to their consistency with the above policy:

a. Consideration should be made as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

b. Efforts should be made to increase access to recreational fish and wildlife resources while not leading to over utilization of any such 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 a habitat area.

c. Any public or private sector initiatives to supplement existing stocks (e.g. stocking fisheries) or develop new resources (e.g. creating private fee-hunting or fee-fishing facilities) must be done in accord with existing authorities.

11.1 PROVIDE FOR AND PROMOTE THE HEALTH AND RECREATIONAL USE OF FISHING RESOURCES.

Projects that permanently and/or significantly create increased sedimentation, erosion or toxic discharge in the Saint Lawrence River or French Creek will not be undertaken. Activities that introduce hazardous wastes or other pollutants in the waterfront area will be prohibited. Additionally, actions that could harm fish or wildlife populations will not be undertaken.

To provide for and promote opportunities for recreational use of Clayton's fisheries, Clayton will strive to provide adequate infrastructure to meet recreational needs, including appropriate fishing access, dockage, and parking.

Policy 12 PROTECT AGRICULTURAL LANDS.

The intent of this policy is to conserve and protect agricultural land by preventing the conversion of farmland to other uses and protecting existing and potential agricultural production. Existing agricultural lands significantly add to the community character within the Clayton WRA. Agricultural lands occur on the south side of NYS Route 12 and 12E outside of the Village and, to a lesser extent, on Grindstone Island. Farming activities on the mainland are comprised of dairy and beef farming, hay and corn crops and an occasional horse farm. Farming activity on Grindstone Island is comprised of beef farming, hay crops, and pastureland for grazing. Protecting the remaining agricultural land is necessary to ensure preservation of the agricultural economy, farming heritage, open space, and scenic quality.

12.1 PROTECT EXISTING AGRICULTURE AND AGRICULTURAL LANDS FROM CONVERSION TO OTHER LAND USES.

The Town and Village of Clayton will avoid conversion of agricultural lands used or with the potential to be used in agricultural production to non-agricultural uses. The following order of priority presents the importance of existing or potential use of agricultural lands:

a. Shorelands with related agriculture, particularly vineyard, vegetables, fruits, sod farms, and nursery and greenhouse products;

b. Other lands actively used in agricultural production; and

c. Agricultural lands not actively used in agricultural production.

Additional applicable guidelines include:

a. Prevent encroachment of commercial, industrial, institutional, or residential development on existing agricultural lands.

b. Protect existing agricultural use and production from adverse impacts due to:

    1. Public infrastructure and facility development including:

2. Unnecessary encroachment of public projects into agricultural lands;
3. Introduction of infrastructure or facilities, such as public roads or water or sewer facilities into agricultural lands;
4. Dividing active farms with obstacles, such as highway construction and maintenance right-of-ways;
5. Creation of other conditions which are likely to lead to conversion of agricultural lands, such as loss of necessary support services; and
6. Environmental changes which are likely to reduce agricultural productivity or quality, including, but not limited to, changes in groundwater quantity and quality.

c. New development located adjacent or in proximity to agricultural land or uses should provide sufficient buffer between agricultural and non-agricultural lands to protect agricultural uses from interference from non-agricultural uses, and protect non-agricultural lands from potentially offensive agricultural practices.

d. Conversion of agricultural lands for public uses may be allowed provided that no other site is available or suitable for the intended public purpose and loss of agricultural lands and production is minimized.

12.2 ESTABLISH AND MAINTAIN FAVORABLE CONDITIONS THAT SUPPORT EXISTING OR PROMOTE NEW AGRICULTURAL PRODUCTION.

Guidelines for achieving this policy include the following:

a. Promote new and maintain existing local services and commercial enterprises necessary to support agricultural operations.

b. Provide economic support of existing agriculture by allowing mixed uses, which would assist in retention of the agricultural use.

c. Promote activities and market conditions that would likely prevent conversion of farmlands to other land uses.

12.3 MINIMIZE ADVERSE IMPACTS ON AGRICULTURE FROM UNAVOIDABLE CONVERSION OF AGRICULTURAL LAND.

Guidelines for achieving this policy include the following:

a. Minimize encroachment of commercial, industrial, institutional, or residential development on agricultural lands.

b. Retain or incorporate opportunities for continuing agricultural use.

c. Locate and arrange development to maximize protection of the highest quality agricultural land in large contiguous tracts for efficient farming.

12.4 PRESERVE SCENIC AND OPEN SPACE VALUES ASSOCIATED WITH AGRICULTURAL LANDS.

Guidelines for achieving this policy include the following:

a. Locate and arrange development to maximize protection of agricultural land in large contiguous tracts to protect associated scenic and open space values.

b. Allow farms to operate using appropriate modern techniques and structures with consideration of scenic values.

Policy 13 PROMOTE APPROPRIATE USE AND DEVELOPMENT OF ENERGY AND MINERAL RESOURCES.

This policy calls for conservation of energy resources in the WRA. It addresses alternative energy sources, provides standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, standards to minimize the impact of large fuel storage facilities, and addresses land extraction and dredging.

13.1 CONSERVE ENERGY RESOURCES.

In dealing with energy problems, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design, and efficiency in energy generation are the best means for reducing energy demands. Reduced demand for energy reduces the need for construction of new facilities that may have adverse impacts on waterfront resources. Guidelines for achieving this policy include the following:

a. Promote and maintain energy efficient modes of transportation, including pedestrian and bicycle transportation, electric cars, and other alternative forms of transportation.

b. Promote energy efficient design in new developments, including the use of solar and wind energy, and landscaping for thermal control.

c. Improve energy generating efficiency through design upgrades of existing public facilities.

d. Monitor electricity, natural gas, and gasoline consumption by all Village and Town-owned structures and vehicles, and encourage all Town and Village residents to do the same.

e. Retrofit existing equipment (e.g. street and parking lot lighting) that is inefficient and wastes energy.

The Clayton community is committed to work toward achieving the utmost energy efficiency and sustainability practices.

13.2 PROMOTE ALTERNATIVE ENERGY SOURCES THAT ARE SELF-SUSTAINING, INCLUDING SOLAR AND WIND POWERED ENERGY GENERATION.

The siting of wind energy facilities has the potential to conflict with Clayton's waterfront vision. In reviewing proposed wind energy projects, adverse impacts on adjacent land use, natural resources, avian and bat populations, community character, historic districts, important scenic views, and gateway views should be considered. Wind energy facilities should not substantially detract from or block important scenic views, including, but not limited to, those identified in Section 2.10 and LWRP Map 7. Appropriate setbacks from buildings, property lines and roads should also be considered.

The Town and Village of Clayton should promote the use of alternative energy sources by:

a. Encouraging renewable and non-polluting energy sources, e.g., passive solar, solar storage units, wind power, and fuel cells for municipal buildings, private homes, commercial buildings, public spaces, and industry.

b. Researching alternative energy saving devices for use in a Town and Village pilot program.

c. Educating residents about state and federal subsidy programs for alternative energy sources for homes and cars.

13.3 ENSURE MAXIMUM EFFICIENCY AND MINIMUM ADVERSE ENVIRONMENTAL IMPACT WHEN SITING MAJOR ENERGY GENERATING FACILITIES.

The Town and Village Waterfront Areas are not identified currently in the State Energy Master Plan. However, regarding the siting of major energy transport and generating facilities, the Town and Village of Clayton, assisted by the NYS DOS Division of Coastal Resources, will work to enforce the public safety and environmental protection policies of the Federal Coastal Zone Management Act, the State Waterfront Management Program, and the Town and Village of Clayton LWRP.

13.4 MINIMIZE ADVERSE IMPACTS FROM FUEL STORAGE FACILITIES.

Regional petroleum reserve facilities are inappropriate in the waterfront area. The production, storage, or retention of petroleum products in earthen reservoirs is prohibited. Fuel storage facilities should prepare and comply with an oil spill contingency plan that outlines the steps

that should be taken to prevent, prepare for, and respond to an emergency. Article 23 of the Environmental Conservation Law and the Federal Safety Standards (40 CFR Part 193), regulate storage and retention of petroleum products.

13.5 ENSURE THAT MINING, BLASTING, EXCAVATION AND DREDGING DO NOT CAUSE AN INCREASE IN EROSION, ANY ADVERSE EFFECTS ON NATURAL RESOURCES OR DEGRADATION OF VISUAL RESOURCES.

Due to the disruptive nature of these activities, caution must be exercised to ensure that such activities do not adversely affect natural resources or disturb the human environment. The impact on visual resources is also important to preserve the scenic character of the traditional rural and village sections of the waterfront.

Additional factors to be used in determining the appropriateness of a commercial excavation operation within the waterfront area include:

a. Compatibility with adjacent uses;

b. Loss of use of the site for other potential uses;

c. Alteration of waterfront geological landforms;

d. Adverse impact on natural resources;

e. Potential loss of topsoil; and

f. Degradation of visual quality.

Removal of soils and overburden requires appropriate site preparation and subsequent site reclamation in accordance with an approved plan for the suitable use of affected lands, including:

a. Drainage and water control to reduce soil erosion;

b. Proposed future use of the affected lands; and

c. Specific activities, including:

    1. Re-vegetation;

    2. Disposal of refuse or spoil;

    3. Drainage and water control features;

    4. Grading and slope treatment; and

    5. Proposals for the prevention of pollution and the protection of the environment.