

**SECTION III**

**WATERFRONT REVITALIZATION PROGRAM POLICIES**

## INDEX OF POLICIES

<u>Waterfront Revitalization Program Policies</u>		<u>Page</u>
<b>DEVELOPMENT POLICIES</b>		
Policies 1, 1A-D	Waterfront Revitalization	III- 5
Policies 2, 2A-C	Water-Dependent Uses	III- 7
Policies 4, 4A	Small Harbors	III-11
Policies 5, 5A-B	Concentration	III-12
Policy 6	Permit Procedures	III-15
<b>FISH AND WILDLIFE POLICIES</b>		
Policies 7A-C	Significant Fish and Wildlife Habitats	III-15
Policy 8	Pollution of Fish and Wildlife Resources	III-19
Policy 9	Recreational Use of Fish and Wildlife Resources	III-20
<b>FLOODING AND EROSION POLICIES</b>		
Policy 11	Siting of Structures	III-21
Policies 13 A-B	Wave Action and Ice Movement	III-22
Policy 14	Effects of Major Activities	III-23
Policies 16, A-B	Public Funding of Shoreline Structures	III-24
Policies 17, 17	Wave Action and Ice Movement A Use of Non-structural Measures	III-25
<b>GENERAL POLICIES</b>		
Policies 18, 18A	Consideration of Vital Interests	III-26
<b>PUBLIC ACCESS POLICIES</b>		
Policies 19, 19A-C	Access to Public Recreation Resources	III-26
Policies 20, 20A-B	Access to Public Lands	III-30
<b>RECREATION POLICIES</b>		
Policies 21, 21A	Water-Related Recreation	III-32
Policies 22, 22A	Recreation as Multiple Use	III-33
<b>HISTORIC AND SCENIC RESOURCES POLICIES</b>		
Policies 23, 23A	Historic Resources	III-35
Policies 25, 25A	Visual Quality	III-37
<b>AGRICULTURAL LAND POLICY</b>		
Policy 26	Agricultural Lands Preservation	III-39

## ENERGY AND ICE MANAGEMENT POLICIES

Policy 27	Siting of Major Energy Facilities*	III-43
Policy 28	Ice Management	III-44

## WATER AND AIR RESOURCES POLICIES

Policy 30	Water Pollution	III-45
Policy 31	Water Quality Classifications	III-45
Policy 32	Alternative Sanitary Waste Systems	III-46
Policy 33	Stormwater Runoff and Sewer Overflows	III-46
Policy 34	Vessel Wastes	III-47
Policy 35	Dredging and Dredge Spoil Disposal	III-47
Policy 36	Hazardous Wastes Transport and Storage	III-48
Policy 37	Non-Point source Water Pollution	III-49
Policy 38	Surface and Ground Water Protection	III-50
Policy 39	Solid Wastes Transport and Storage*	III-51
Policy 40	Major Energy and Industrial Facilities	III-51
Policy 41	Air Quality Standards*	III-52
Policy 42	PSD Land Area Reclassifications	III-52
Policy 43	Acid Rain*	III-52
Policy 44	Wetlands Protection	III-53

### State Coastal Policies Not applicable to the Local Waterfront Area

The following State coastal policies have been determined to be not applicable to the local waterfront area of the village/Town of Morristown:

Policy 3	Major Ports	III-11
Policy 10	Commercial Fishing	III-21
Policy 12	Natural Protective Features	III-22
Policy 14	Erosion Protection Structures (EPS)	III-23
Policy 15	Mining, Excavation and Dredging	III-23
Policy 24	Scenic Resources of Statewide Significance	III-37
Policy 29	Off-shore Energy Development	III-45

## **LOCAL POLICIES AND APPLICABLE STATE POLICIES**

### **DEVELOPMENT POLICIES**

- POLICY 1** RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.
- POLICY 1A** REVITALIZE AND DEVELOP DETERIORATED AND UNDERUTILIZED LANDS ALONG THE EAST SIDE OF OUTER MORRISTOWN BAY FROM NORTHUMBERLAND STREET TO ANN STREET ALONG THE RIVER WITH EMPHASIS ON WATER-DEPENDENT AND WATER-ENHANCED USES, TRADITIONAL SMALL HARBOR DEVELOPMENT, PUBLIC ACCESS AND RECREATION AND IMAGE ENHANCEMENT.
- POLICY 1B** RESTORE AND REVITALIZE THE PRINCIPAL COMMERCIAL AREA ALONG THE NORTHERN END OF MAIN STREET WITH EMPHASIS ON REVERSING THE EROSION OF COMMERCIAL FACILITIES AND SERVICES, IMPROVING THE MAIN STREET IMAGE AND INCREASING THE ORIENTATION TO MORRISTOWN BAY.
- POLICY 1C** ENCOURAGE NEW RESIDENTIAL DEVELOPMENT ALONG THE WOODED HILLSIDE NORTH OF CHAPMAN STREET AND, WITH APPROPRIATE PROTECTION FOR ADJACENT WETLANDS AND WILDLIFE HABITAT, TO THE SOUTH OF MORRISTOWN BAY.
- POLICY 1D** REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED LAND AT THE SOUTHERLY ENTRANCE TO THE VILLAGE ALONG MAIN STREET.

### **EXPLANATION OF POLICY**

All government agencies must ensure that their actions further the revitalization of waterfront areas within the Town of Morristown and Village of Morristown. The transfer or purchase of property; the construction of a building, park, road or other infrastructure; and the provision of tax incentives to businesses are examples of governmental means for spurring waterfront revitalization. When such actions are proposed, they must be analyzed to determine if they would contribute to or adversely affect the town's or village's waterfront revitalization efforts. Such efforts must be recognized as the most effective means of encouraging economic growth

in formerly dynamic areas of these communities, without consuming valuable open space elsewhere.

In furtherance of these revitalization policies, government agencies must consider all other pertinent policies in this program. Particular emphasis is required for those policies aimed at facilitating the siting of water-dependent uses, enhancing small harbor development, guiding development to areas with adequate infrastructure and public services, and simplifying permit procedures. (See Policies 2, 2A-2C, 4, 4A, 5, 5A-5B and 6).

While Policy 1 reflects the general aim of revitalizing and restoring all deteriorated and underutilized areas of the waterfront, Policies 1A through 1D are more specific. They target local revitalization efforts toward the five particular areas of concern identified in Section II. (Ref.: Sect. II, Part 2, A. Analysis, a and Plate 7.) The Town and Village have the primary responsibility for implementing these policies.

#### Policy Guidelines

The following guidelines are to be used in assessing proposed government actions affecting local waterfront revitalization in general and in the specific target areas:

1. Priority should be given to marina development and expansion, development of marine related commercial uses, increasing shoreline public access and recreation facilities and facilitating the siting of sewage treatment facilities in the revitalization target areas adjacent to the shoreline.
2. The actions should enhance existing and anticipated uses by:
  - a. improving deteriorated conditions, if present, on the site subject to the action;
  - b. providing for development of the site in a manner compatible with the character of the area in terms of scale, architectural style, density and intensity of use;
  - c. serving as catalysts to private investment or reinvestment in both the subject site as well as other deteriorated or underutilized sites nearby;
  - d. improving adjacent and upland views of the water; and
  - e. at a minimum, not causing deterioration, imposing obstacles to other public or private revitalization initiatives in the area, or affecting important views in a detrimental manner.
3. The actions should have the potential to:
  - a. improve opportunities for multiple use of the site, when appropriate;
  - b. benefit the local economic base; and
  - c. at a minimum, not jeopardize that base.

4. The action should generally satisfy the guidelines of other applicable policies set forth in this program.
5. If the action is proposed to take place outside of a deteriorated and/or underutilized waterfront area suitable for redevelopment and is either within the Town, Village or an adjacent coastal community, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated and/or underutilized waterfront in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

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

**POLICY 2A           FACILITATE THE NEW LOCATION, REDEVELOPMENT AND EXPANSION OF WATER BASED PUBLIC AND COMMERCIAL RECREATION FACILITIES, MARINE SUPPORT SERVICES, AND OTHER WATER-DEPENDENT USES AROUND OUTER MORRISTOWN BAY, ESPECIALLY ALONG ITS EASTERN SHORE.**

**POLICY 2B           ENCOURAGE THE NEW LOCATION, REDEVELOPMENT AND EXPANSION OF RIVERSIDE AND BAYSIDE RESORTS, RESTAURANTS, AND OTHER WATER-ENHANCED TOURIST FACILITIES AROUND MORRISTOWN BAY, ESPECIALLY ALONG ITS WESTERN SHORE AND AT LOCATIONS INLAND FROM OR ON THE PERIPHERY OF THE OUTER BAY'S EASTERN SHORE.**

**POLICY 2C           FACILITATE THE EXPANSION OF WATER-DEPENDENT PUBLIC ACCESS AND RECREATION FACILITIES ELSEWHERE ALONG TOWN AND VILLAGE SHORELINES WHERE COMPATIBLE WITH EXISTENT USES AND WARRANTED BY INCREASES IN DEMAND, IF ANY.**

#### EXPLANATION OF POLICY

Given the nearshore water depths, exposure to wind and wave action, shallow soils overlying bedrock, sharp topographic relief and the nearly continuous and very stable cottage development along most of the St. Lawrence River shoreline within the Town and Village, little waterfront space remains that is suitable for development. (Ref: Plates 2a through 6b) Competition for shoreline property along the river will undoubtedly be confined, for the most part, among non-water-dependent residential uses. Shoreline property around outer Morristown Bay, on the other hand, has greater development or redevelopment potential due to underutilized or deteriorated

conditions and the small harbor attraction. (Ref: Sect. II, Part 2, A. Analysis, a-c and Plate 7). Competition for these water-dependent sites around Morristown's Bay should increase due to the completion of public infrastructure and the expected growth of Morristown's Recreation and tourism activities.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to coastal waters. To ensure such "water-dependent" uses can continue to be accommodated within the local waterfront area, government agencies will avoid undertaking, funding or otherwise approving non-water dependent uses when such uses would preempt the reasonably foreseeable water-dependent uses; furthermore government agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following uses and facilities are considered as water-dependent:

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

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront (e.g., restaurants, hotels and other tourist accommodations).

The Town and Village will facilitate the location and expansion of water-dependent uses in its waterfront with particular emphasis on those which will contribute to local revitalization efforts and tourism development. Uses to be facilitated include marinas, boat repair or service facilities, bait and tackle shops, public boat launches and docks, tour or fishing charter boat operations and other marine-related businesses (salvage, dredging, construction, etc.). The primary area targeted for such uses is the small harbor area around Morristown Bay (See Policies 4 and 4A), with special emphasis on the bay's eastern shore. The eastern shore is emphasized because of its suitability (proximity to infrastructure and services, present commercial character with viable water-dependent uses already established, and existing deteriorated and underutilized conditions with vacant land for future expansion ) and the likelihood of competition from non-water dependent uses increasing significantly with the installation of public sanitary sewers in the waterfront.

Additional water-dependent public access and recreation facilities will be stressed along the river, both at the State Park and as a multiple use near outer Morristown Bay. If warranted by demand, and if feasible in terms of cost and compatibility with adjacent residential uses, such facilities will also be pursued elsewhere along the town's shoreline.

Uses to be encouraged in the vicinity of the small harbor- but not at the expense of water-dependent uses - include restaurants, accommodations, tourist shops and other resort establishments. In particular, these water-enhanced uses will be favored along the western side of outer Morristown Bay and at sites inland of or peripheral to the eastern shore's areas targeted for water-dependent uses.

#### Policy Guidelines

As in the target areas (or areas of emphasis noted above), the selection of other sites where water-dependent uses will be encouraged and facilitated shall adhere to the following guidelines:

1. Competition for space -- competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water-dependent activities or else the encouragement of water-dependent development.

2. In-place facilities and services -- most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors: the availability of public sewer and water services; ability to accommodate parking and necessary storage; and the accessibility of the site via existing streets.
3. Access to navigational channels -- if commercial shipping, commercial fishing, or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources -- water-dependent uses should be located so that they enhance, or at least do not detract from the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by nearby restaurants, motels and other-non-water-oriented tourist activities. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.
5. Preference to underutilized sites -- the promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting, and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the village's waterfront areas which are currently underutilized.
6. Providing for expansion -- a primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State agencies, the Town and the Village should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

In promoting water-dependent uses, all government agencies should favor them in terms of capital programming, leasing arrangements on publicly owned land, abatement of property taxes, loan guarantees, low interest loans, economic development strategies and permitting procedures. The Town and Village will develop and maintain a list of suitable sites available for non-water dependent uses to assist developers seeking alternative sites for their proposed uses.

**POLICY 3            THE STATE COASTAL POLICY REGARDING THE  
DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO  
MORRISTOWN.**

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

**POLICY 4A**        **ENCOURAGE THE DEVELOPMENT OF OUTER MORRISTOWN BAY AS A PROTECTED AND NAVIGABLE SMALL HARBOR WITH EMPHASIS ON IMPROVING AND EXPANDING PUBLIC AND PRIVATE FACILITIES FOR RECREATIONAL BOATING, FISHING, SIGHTSEEING, SHOPPING AND OTHER TOURIST ACTIVITIES.**

EXPLANATION OF POLICY

Revitalization in the Village and, in varying degrees, economic development in both the Town and Village will depend on the success of local efforts to re-establish the small harbor functions of Morristown Bay. Once the focal point of business and industry for rail and waterborne transport of goods and people, the bay's economic role today is rather limited. While the railroad, ferry and waterfront industry are not likely to return, the bay has, nonetheless, considerable potential as a protected, navigable small harbor for recreational boating and as a focal point for local tourism. Local efforts to tap this potential must dovetail closely with measures aimed at revitalizing deteriorated and underutilized areas (see Policies 1, 1A and 1B), facilitating water-dependent uses (see Policies 2, 2A-2C) and concentrating development in areas with available infrastructure and services (see Policies 5 and 5A). Protection of the bayside views and enhancement of the waterfront image must also be considered as part of harbor development (See Policy 25A).

Policy Guidelines    The following guidelines will be used in determining consistency with these policies:

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

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

**POLICY 5            ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.**

**POLICY 5A          MAINTAIN, AND WHERE NECESSARY, IMPROVE INFRASTRUCTURE AND SERVICES IN THOSE WATERFRONT AREAS WITH THE PRINCIPAL CONCENTRATIONS OF COMMERCIAL AND YEAR-ROUND RESIDENTIAL USES.**

**POLICY 5B          ENCOURAGE THE DEVELOPMENT OF USES WHICH HAVE LITTLE OR NO POTENTIAL TO GENERATE A DEMAND ON PUBLIC SERVICES AND INFRASTRUCTURE IN THOSE WATERFRONT AREAS WHERE EXISTING SERVICES ARE LIMITED AND/OR NONEXISTING.**

#### EXPLANATION OF POLICY

The governing bodies of the Town and Village can guide and direct the pattern of development in the waterfront by use of their construction, taxing, funding and regulatory powers. Whenever it is feasible, these powers will be used to foster development within, contiguous to or in close proximity to existing areas of concentrated development where adequate infrastructure and public services exist or are planned to be made available with reasonable assurances (See Plates 6A, 6b and 7). Measures to concentrate new development will give due consideration to development limiting factors such as bedrock, soil conditions, slope, flood hazard, erosion potential, community character and sensitive environmental areas (Ref: Plates 3a, 3b, 5a, and 5b and 7).

Policy Guidelines For any action that would result in large scale development or an action which would facilitate or serve future development, determination shall be made as to whether the action is within, contiguous to, or in close proximity to existing areas of concentrated development where adequate infrastructure and public services are adequate. The following guidelines shall be used in making that determination.

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.

2. Other locations in the coastal area may also be suitable for development, if three or more of the following conditions prevail:
  - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
  - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within 1 mile radius of the proposed site are vacant;
  - c. Proposed site is served by or is near to public or private sewer and water lines;
  - d. Public transportation service is available within 1 mile of the proposed site; and
  - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.
  
3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
  - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
  - b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
  - c. Sewage disposal system can accommodate the wastes generated by the development;
  - d. Energy needs of the proposed land development can be accommodated by existing utility systems;
  - e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
  - f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

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

- Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.

- Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
- Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
- Uses and/or activities which because of public safety consideration should be located away from populous areas.
- Rehabilitation or restoration of existing structures and facilities.
- Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain areas where development is encouraged by these policies, the condition of existing public water and sewage infrastructure and other services may necessitate improvements. Those State and federal agencies charged with allocating funds for investments in public services and water and sewer facilities should give high priority to the needs of such areas so that full advantage may be taken of the array of their other infrastructure components in promoting waterfront revitalization.

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

EXPLANATION OF POLICY

For specific types of development activities, and in areas suitable for such development, the Town and Village will make every reasonable effort to coordinate and expedite local permit procedures and regulatory activities as long as the integrity of the regulatory objectives is not jeopardized. Nevertheless, the Town and Village efforts in expediting permit procedures are part of a much larger system for regulating development, which also includes county, State and federal government agencies. Regulatory programs and procedures should be coordinated and synchronized between all levels of government and, if necessary, legislative and/or programmatic changes will be recommended from the local level.

**FISH AND WILDLIFE POLICIES**

**POLICY 7            SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS  
IDENTIFIED ON THE COASTAL AREA MAP WILL BE  
PROTECTED, PRESERVED AND WHERE PRACTICAL,  
RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS  
HABITATS.**

**POLICY 7A      CHIPPEWA CREEK MARSH SHALL BE PROTECTED,  
PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO  
MAINTAIN ITS VIABILITY AS A HABITAT.**

EXPLANATION OF POLICY

Chippewa Creek Marsh is a habitat area with local significance that has been proposed for designation as a State Significant Coastal Fish and Wildlife Habitat. Chippewa Creek Marsh is one of about four very large, undeveloped, streamside wetland ecosystems along the St. Lawrence River. It provides valuable habitat for a variety of fish and wildlife species (Ref.: Sect. II, Part 1, E. Analysis 1, Plate 5b, and Figure 1b.)

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce water levels, alter flows, or increase water level fluctuations in Chippewa Creek Marsh could adversely affect a variety of fish and wildlife species. Discharges of sewage or storm water runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in adverse impacts on fish and wildlife resources in the area. Spills of oil or other hazardous substances are a potentially serious threat to fish and wildlife in Chippewa Creek Marsh, and every effort should be made to prevent such contamination. Elimination of wetland habitats or significant human encroachment into the area, through dredging, filling, construction of roads, waste disposal, or motorboat access development, could severely reduce its value to fish and wildlife. Channelization would reduce stream channel diversity, and result in a direct loss of valuable habitat area. However, habitat management activities, including water level management, may be designed to maintain or enhance populations of certain fish or wildlife species. Any significant disturbance of Chippewa Creek Marsh would be especially detrimental during fish spawning and nursery periods (March-July for most warmwater species) and wildlife breeding seasons (April-July for most species). Barriers to fish migration in the creek, whether physical or chemical, could have significant impacts on fish populations within the marsh, and in Chippewa Bay. Existing areas of natural vegetation bordering Chippewa Creek Marsh should be maintained for their value as cover for wildlife, perch sites, and buffer zones. Efforts should be made to reduce stream disturbance by agricultural activities, especially grazing, through fencing and restoration of riparian vegetation. Development of additional public access may be desirable to increase compatible human uses of the marsh, but must be designed to minimize disturbance of sensitive fish and wildlife species that occur in the area.

In order to protect this habitat, development shall not be undertaken if it may destroy or significantly impair the viability of the area as a habitat. Potentially damaging actions, such as those described above, would be inconsistent with this policy.

**POLICY 7B      AMERICAN ISLAND POOLS SHALL BE PROTECTED,  
PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO  
MAINTAIN ITS VIABILITY AS A HABITAT.**

## EXPLANATION OF POLICY

American Island Pools is a habitat area with local significance that has been proposed for designation as a State Significant Coastal Fish and Wildlife Habitat. The American Island Pools is an area in the St. Lawrence River containing relatively large, open water pools during the ice-in season. During the winter months (December-March), the pools attract major concentrations of migratory birds, including American Bald Eagles (Ref.: Sect.II, Part 1, E. Analysis, 2, Plate 5b, and Figure 1a.)

Any activity that would substantially degrade water quality, alter river flows or ice formation, or increase human disturbance at American Island Pools could adversely affect fish and wildlife use of this area. Winter navigation use of the St. Lawrence Seaway could be an especially serious threat to the area, as a result of flow diversion, shipping traffic in the vicinity, and increased risk of spills of oil or other hazardous substances. Major physical alteration to the river channel, through dredging or installation of diversion structures (including water supply intakes), could enhance ice formation around American Island and impact critical wildlife feeding areas. Introduction of toxic chemicals from upstream sources may also affect bird populations using these pools. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species and migratory birds. Human disturbances around American Island Pools should be minimized from December through March.

In order to protect these two habitats, development shall not be undertaken if it may destroy or significantly impair the viability of the area as a habitat. Potentially damaging actions, such as those described above, would be inconsistent with this policy.

**POLICY 7C      OTHER HABITAT AREAS OF LOCAL SIGNIFICANCE - MORRISTOWN BAY, BOGARDUS ISLAND, THE BLUFFS FROM BLOCKSTONE BAY AREA DOWNRIVER TO JACQUES CARTIER STATE PARK, IMMEDIATELY DOWN RIVER OF POINT COMFORT, THE SHOALS OFF POINT COMFORT, AND THE WATERS IN THE VICINITY OF JACQUES CARTIER STATE PARK SHALL BE PROTECTED, AND WHERE NECESSARY AND PRACTICAL, RESTORED AND EXPANDED. THIS SHALL BE DONE TO PROTECT AND MAINTAIN THE VIABILITY AND VALUE OF THESE AREAS TO THE TOWN AND VILLAGE OF MORRISTOWN.**

## EXPLANATION OF POLICY

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of a habitat area with local significance. When the action significantly reduces a vital resource (e.g., temperature, substrate) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat.

Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

Morristown Bay, Bogardus Island, Perch Bay, and the littoral waters off Jacques Cartier State Park are habitat areas with local significance. (Ref.: Sect. II, Part 1, E. Analysis, c-f, Plates 5a and 5b.) Each of these areas is popular for fishing. The waters off the State Park are also important for waterfowl hunting. All of these habitat areas are supportive of the local tourism and recreation economies.

The bluff shoreline from Blackstone Bay downriver to the Jacques Cartier State Park has been identified as an American Bald Eagle roosting and feeding site and as such has been determined to be a habitat of local significance. Future research may determine expanded useage which may upgrade this designation. Any proposed development shall not jeopardize this habitat by disturbing or removing the vegetation that makes this habitat attractive.

Those waters downriver of Point Comfort have been identified as muskellunge spawning and rearing areas. Any future development in this general area shall not endanger the viability of these waters.

Proposed public or private development actions in or near these six locally significant habitat areas must be undertaken in a manner that will not jeopardize their continued viability.

#### Policy Guidelines

The range of generic activities most likely to affect the above six habitat areas of local significance includes, but is not limited to, the following:

1. Draining wetlands, ponds: Cause changes in vegetation, or changes in groundwater and surface water hydrology.
2. 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).
3. Grading land: Results in vegetation removal, increased surface runoff, or increase soil erosion and downstream sedimentation.
4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
5. 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.

6. Dredge spoil disposal: May induce shoaling of littoral areas, or change circulation patterns.
7. Physical alteration of shore areas through channelization or construction of shore structures: May change volume and rate of flow or increase scouring, sedimentation.
8. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stores in landfills: May cause increased mortality or sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

The range of physical, biological and chemical parameters which should be considered includes, but is not limited to, the following:

- 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.
- Biological parameters such as: Community structure, food chain relationships, species diversity, predator/prey relationships, population, size mortality rates, reproductive rates, behavioral patterns, and migratory patterns.
- Chemical parameters such as: Dissolved oxygen, carbon dioxide, ph, dissolved solids, nutrients, organics, salinity, 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 above 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.

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

EXPLANATION OF POLICY.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (S27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious

characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by the Department of Conservation (6 NYCRR Part 371).

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

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws. All public agencies must consider the absence of sewers in the town's waterfront and the extent therein of soils poorly suited to the use of conventional septic systems as constraints to intensive development in the vicinity of identified fish and wildlife habitats. (Ref.: Plates 3a, 3b, 6a, and 6b.)

**POLICY 9            EXPAND RECREATIONAL USE OF FISH AND WILDLIFE  
RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO  
EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS,  
AND DEVELOPING NEW RESOURCES.**

**EXPLANATION OF POLICY**

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

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in the waterfront area and which takes into consideration other activities dependent on these resources. Also, such efforts must be made in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The Town and Village waterfront areas contain a variety of fish and wildlife habitats. Recreational demand for fishing and, to lesser extents, hunting and trapping has increased significantly in the Thousand Islands region and in the local waterfront area. To accommodate this demand, the Town and Village will work cooperatively with other public and private interests to expand fish and wildlife resources (e.g., through stocking) and to increase the recreational use of such resources (see Policies 19 through 22).

### Policy Guidelines

The following should be considered by all government agencies as they determine the consistency of their proposed action with the above policy:

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

**POLICY 10            THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF  
COMMERCIAL FISHING IS NOT APPLICABLE TO  
MORRISTOWN**

### FLOODING AND EROSION HAZARDS POLICIES

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

### Explanation of Policy

**Flooding:** Areas of special flood hazard in the Town and Village were identified and mapped by the Federal Insurance Administration (Ref: Sect. II, Part 1, C. Analysis, F). These areas are subject to local flood control regulations of the two communities.

**Shoreline Erosion:** (Not Applicable.) Coastal erosion is addressed by the State Coastal Erosion Hazard Area Law of 1981, ECL Article 34 (CEHA) which sets up a development permit system and requires DEC to map all coastal Erosion Hazard Areas in the State. DEC has indicated, however, that they do not have plans to identify Coastal Erosion Hazard Areas along the St. Lawrence River. In addition, based on existing information, it is unlikely that the local waterfront area would have sufficient coastal erosion to warrant the adoption of CEHA

regulations at any level of government. Local officials have not identified any shoreline subject to measurable active erosion. Because of the very rocky nature of the St. Lawrence River shoreline along the Village and Town waterfront areas, shoreline erosion is not an issue (Ref.: Sect. II, Part 1, C. Analysis, e.)

Upland Erosion: Upland erosion is not likely to be a significant concern within the local waterfront area (Ref: Section II, C. Analysis, e). Nevertheless, tilling of the soils in the southeasterly portion of the village may be contributing to the siltation that has been occurring in inner Morristown Bay (Ref: Sect. II, Part 1, C. Analysis, d). Public and private actions involving development in this area 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, including proper drainage.

**POLICY 12** THE STATE COASTAL POLICY REGARDING MINIMIZING DAMAGE TO FLOODING AND EROSION NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO MORRISTOWN.

**POLICY 13** THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

**POLICY 13A** 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.

**POLICY 13B** WHERE ENVIRONMENTALLY SOUND, COST-EFFECTIVE MEASURES CAN BE TAKEN TO MINIMIZE THE WAVE ACTION AND ICE MOVEMENT ITSELF, SUCH MEASURES SHALL BE PURSUED IN CONSULTATION WITH APPROPRIATE STATE AND FEDERAL AGENCIES, LOCAL MARINA AND SHORELINE INTERESTS, AND EXPERTS IN THE FIELDS OF MARINE ENGINEERING AND CONSTRUCTION.

### EXPLANATION OF POLICY

The northernmost stretch of shoreline along the easterly side of outer Morristown Bay is exposed to wind driven wave action and ice movement. (Ref.: Sect. II, Part 1, C. Analysis, 5.) These forces cannot be ignored when shoreline structures are to be installed.

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. 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. Government agencies must consider the risk that wave and ice action impose on either public or private capital investment in shoreline structures, especially where water depth, current or other limiting site conditions require more costly design, construction and maintenance practices.

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

### EXPLANATION OF POLICY

**Flooding:** Flooding is a process which occurs naturally. However, by his actions, man can increase the severity and adverse effects of this process, causing damage to, or loss of property, and endangering human lives. Those actions include the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

**Erosion:** Not Applicable. (See Policy 11 - "Shoreline Erosion.")

**POLICY 15            THE STATE COASTAL POLICY REGARDING MINING, EXCAVATION OR DREDGING IN COASTAL WATERS IS NOT APPLICABLE TO MORRISTOWN.**

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

**POLICY 16A** PUBLIC FUNDS SHALL NOT BE USED FOR SHORELINE STRUCTURES SUBJECT TO SEVERE WAVE ACTION AND ICE MOVEMENT EXCEPT WHERE THE PUBLIC BENEFITS THAT WOULD ACCRUE TO THE TOWN OR VILLAGE IN TERMS OF IMPROVING PUBLIC ACCESS AND RECREATION, ENHANCING TOURISM OR SITING WATER-DEPENDENT USES OUTWEIGH THE LONG TERM COSTS OF SUCH STRUCTURES.

**POLICY 16B** PUBLIC FUNDS SHALL BE USED FOR WAVE AND ICE PROTECTIVE STRUCTURES ONLY WHERE DEEMED NECESSARY FOR PUBLIC SAFETY OR, IF PUBLIC BENEFITS OUTWEIGH LONG TERM COSTS, FOR THE PROTECTION OF SHORELINE STRUCTURES UPON WHICH EXISTING OR PROPOSED WATER-DEPENDENT USES MUST RELY.

EXPLANATION OF POLICY

Wind driven wave action and ice movement represent destructive forces which cause considerable short- and long-term damages to shoreline structures. Town and Village investment in shoreline structures exposed to these forces is generally unwise unless sufficient capital is expended to ensure such structures have sufficient strength and durability. Measures to diminish the severity of wave action or ice movement may be needed to protect life, limb or property. However, Town and Village investment in measures to protect properties must, as in the construction of shoreline structures in more exposed areas, weigh the economic benefits accruing to these communities and their waterfront areas against public costs.

**POLICY 17**            **WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE:**

- (i) THE SET BACK OF BUILDINGS AND STRUCTURES:**
- (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING:**
- (iii) THE RESHAPING OF BLUFFS: AND**
- (iv) THE FLOOD PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

**POLICY 17A**            **WHEREVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO SHORELINE STRUCTURES FROM WAVE ACTION AND ICE MOVEMENT.**

**EXPLANATION OF POLICY**

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

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

"Nonstructural measures" within identified flood hazard areas shall include, but not be limited to: (a) the avoidance of risk or damage from flooding by the setting back of buildings and (b) their elevation above the base flood level.

**Erosion:** Not applicable (See Policy 11 - "Shoreline Erosion.")

**Wave action and ice movement:** Nonstructural measures to minimize damage from wave action and ice movement primarily involve facilitating the location of water-dependent uses which rely on shoreline structures in areas of the waterfront less exposed to such forces (see Policy 2).

## GENERAL POLICY

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

**POLICY 18A** TO ENHANCE AND PROTECT THE LOCAL TOURIST ECONOMY, CULTURAL RESOURCES AND COASTAL ENVIRONMENTS OF THE TOWN AND VILLAGE, PROPOSED MAJOR ACTIONS IN THE LOCAL WATERFRONT AREA MUST GIVE FULL CONSIDERATION TO THE AREA'S VALUABLE COASTAL RESOURCE AREAS AND THE LOCAL SAFEGUARDS ESTABLISHED TO PROTECT SUCH RESOURCES.

## EXPLANATION OF POLICY

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State and the Town and Village have established to protect those waters and resources. Proposed actions must take into account the social, economic, and environmental interests of the State, the Town and Village and their citizens in such matters that could affect natural resources, water levels and flows, shoreline damage, and recreation. Furthermore, proposed actions within the local waterfront area must recognize the importance of tourism to the village's economy and the roles that local cultural resources, public access and recreation facilities, water-dependent uses, and the natural coastal environment play in sustaining healthy tourism. Local safeguards augment those of the State in protecting valuable coastal resources.

## PUBLIC ACCESS POLICIES

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

- POLICY 19A** INCREASE, MAINTAIN AND PROTECT PUBLIC ACCESS TO OUTER MORRISTOWN BAY BY IMPROVING AND SAFEGUARDING VEHICULAR, PEDESTRIAN AND WATERBORNE MEANS OF ACCESS TO RECREATIONAL FACILITIES ALONG THE BAY'S EASTERN SHORE.
- POLICY 19B** MAINTAIN, PROTECT, AND, IF WARRANTED BY INCREASED DEMAND, EXPAND PUBLIC ACCESS TO THE RIVER VIA JACQUES CARTIER STATE PARK WITH PARTICULAR EMPHASIS ON ACCESS FOR BOATING, SWIMMING AND CAMPING.
- POLICY 19C** IF WARRANTED BY INCREASED DEMAND, DEVELOP, MAINTAIN AND PROTECT ADDITIONAL PUBLIC ACCESS FOR FISHING AND/OR BOATING ACTIVITIES AT OTHER APPROPRIATE LOCATIONS ALONG THE RIVER AND BAY SHORELINES IN THE TOWN AND VILLAGE.

#### EXPLANATION OF POLICY

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

Priority for improved public access in the local waterfront area will be given to outer Morristown Bay and Jacques Cartier State Park where demand has increased considerably in recent years (Ref: Sect. II, Part 2, B. Analysis, a1 to a3). In both areas, emphasis will be placed on improvements which provide for adequate parking, additional boat launching and docking capacity, and improved pedestrian safety.

Three additional sites have been identified as having public access potential: Wright's Marina, the southeast corner of inner Morristown Bay, and the northernmost end of English Settlement Road (Ref: Sect. II, Part 2, B. Analysis and Plate 8a). The feasibility of these sites must be carefully evaluated in terms of compatibility with adjoining uses, constraints imposed by specific site conditions, level of access warranted by demand, costs of "fee simple" acquisition, easements or leases and costs of access improvements.

Measures taken to increase public access should enhance or, at a minimum, be consistent with local efforts to revitalize deteriorated and/or underutilized area, facilitate water-dependent uses, develop the small harbor potential of outer Morristown Bay and increase recreational use of the

river and bay and their fish and wildlife resources. (See Policies 1, 1A-1D, 2, 2A and 2B, 4, and 9.)

All government agencies must give consideration to the existing and potential public access sites in the Town and Village when considering proposed development actions. They should, to the extent permitted by other coastal policies, encourage new or improved vehicular, pedestrian and waterborne access to the water while ensuring that their actions do not jeopardize present levels of access.

#### Policy Guidelines

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State, Town, and Village will not undertake or fund any project which increases access to a public water-related recreation resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related recreation resources and facilities, government agencies shall give priority in the following order to projects located: within the boundaries of the Federal Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined urban Area boundary but not served by public transportation.

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

- a. Access - the ability and right of the public to reach and use public coastal lands, waters and/or water-related recreation resources or facilities.
- b. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that require either water or a waterfront location or are enhanced by a waterfront location.
- c. Public lands or facilities-lands or facilities held by State or local government in fee-simple or less-than-fee-simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access - includes but is not limited to the following:
  1. The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
  2. 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.
  3. Pedestrian access is diminished or blocked completely by public or private development.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
  1. Construction/modification of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities or to public coastal lands or waters.
  2. Sale, lease, or other conveyance of public property that could provide public access to a public water-related recreation resource or facility or to public coastal lands and/or waters, except where such sale, lease or other conveyance entails offsetting gains in public access.
  3. Construction of private facilities which physically prevent the provision of convenient public access to a public water-related recreation resource or facility or to public coastal lands and/or waters from public lands and facilities.

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

**POLICY 20A IF FEASIBLE, DEVELOP, MAINTAIN AND PROTECT MEANS OF IMPROVED PEDESTRIAN AND BICYCLING MOVEMENT ALONG THE RIVER ROAD RIGHT-OF-WAY BETWEEN JACQUES CARTIER STATE PARK AND MORRISTOWN BAY.**

**POLICY 20B IF FEASIBLE, ACQUIRE ABANDONED RAILROAD RIGHT-OF-WAY WHERE SUCH LAND WOULD ENHANCE EXISTING PUBLIC ACCESS OR SUPPORT THE DEVELOPMENT OF POTENTIAL PUBLIC ACCESS SITES.**

#### EXPLANATION OF POLICY

The local waterfront area has limited area for public water-based recreational activity outside of Jacques Cartier State Park and the Village Park along the east side of outer Morristown Bay. Although additional sites have potential for public access to the water (Ref: Sect. II, Part 2,B. Analysis), their feasibility is uncertain and subject to further study.

Access can be enhanced, however, by improving the River Road pavement shoulder for pedestrian and bicycle use and by acquiring abandoned railroad right-of-way along the river north of Chapman Street and near the southeast corner of Morristown Bay. The pedestrian/bicycling path will increase the modes of travel between water-based access in the State Park and Morristown Bay. It will also allow its uses to enjoy the vistas of the river (viewed between the shoreline cottages) which are more difficult for motorists to view. The Village and Town acquired railroad right-of-way near the river and constructed Riverview Drive to facilitate access between Morristown Bay and shoreline cottage areas to the east. The Village also acquired railroad right-of-way from Main Street to the southeast corner of the inner bay. This recently acquired right-of-way offers the potential for future public access to an area otherwise inaccessible except by water.

When taking action on development proposals, all government agencies must give due consideration to Town and Village efforts to acquire and/or improve road or abandoned railroad right-of-way for public access purposes. Government agencies must also consider the compatibility of public access use with residential uses along the river and bay. Wetlands and fish and wildlife habitat around the southern end of the bay must also be taken into account.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such

publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

### Policy Guidelines

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

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced or eliminated, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding 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.
2. The existing level public access within public coastal lands or waters shall not be reduced or eliminated.
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; or (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
4. Government agencies will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access to public coastal lands, government agencies shall give priority in the following order to projects located: within the boundaries of the Federal Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the

case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

The explanation of terms provided under Policy 19 shall apply to the above guidelines.

### RECREATION POLICIES

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

**POLICY 21A RECREATIONAL BOATING, FISHING, SWIMMING, CAMPING, HIKING, WATERFOWL HUNTING, TRAPPING, BIRD WATCHING AND WATERSIDE RELAXATION SHALL BE GIVEN PRIORITY WITHIN THE LOCAL WATERFRONT AREA AND, TO THE EXTENT COMMENSURATE WITH EXISTING AND PROPOSED RECREATION RESOURCES, SUCH ACTIVITIES SHALL BE FACILITATED IN THE VICINITY OF MORRISTOWN BAY AND JACQUES CARTIER STATE PARK.**

### EXPLANATION OF POLICY

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by coastal location and increase the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, and historic and cultural resources (e.g., see Policies 7,8, 9, and 23-25) and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including nonwater-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis.

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

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

Faced with increased demand for recreation activity in the local waterfront area (Ref: Sect. II, Part 2, B. Analysis, 1 and 2), the Town and Village must encourage and actively assist the development of both public and private recreational facilities. While numerous forms of water-dependent recreation are possible, boating, fishing, swimming, camping and sight-seeing are the most prevalent and the most likely to face substantial increases in demand. Much of the demand for these forms of recreation can be met by expanding and/or improving existing facilities in outer Morristown Bay and at Jacques Cartier State Park. However, future demand will undoubtedly necessitate the acquisition of additional public access (see Policies 19, 19A-19C, 20, 20A and 20B). Such lands should be given priority for the development of recreational facilities in a manner consistent with other applicable coastal policies.

Nonmotorized recreation such as cross-country skiing, hiking and canoeing shall also be encouraged in the local waterfront area. Water-related off-road recreational vehicle use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented, where practicable, to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced. Presently, cross-country skiing and snowmobiling are permitted in the State Park. Canoeing is possible in inner Morristown Bay and Chippewa Creek Marsh.

**POLICY 22 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.**

**POLICY 22A PUBLIC ACCESS AS A MULTIPLE USE WILL BE REQUIRED AROUND MORRISTOWN BAY WHENEVER SUCH MULTIPLE USE IS COMPATIBLE WITH THE NATURE AND PURPOSES OF SHORELINE DEVELOPMENT OR REDEVELOPMENT THERE AND WARRANTED BY REASONABLY ANTICIPATED DEMAND.**

## EXPLANATION OF POLICY

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

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

- highways
- utility transmission rights-of-way
- sewage treatment facilities
- mental health facilities\*
- hospitals\*
- prisons\*
- schools, universities\*
- military facilities\*
- nature preserves\*
- large residential subdivisions (50 units)
- office buildings

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

Prior to taking action relative to any development, government agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and the Town and Village of Morristown to determine appropriate recreation uses. The agency should provide OPRHP and the Town and Village with the opportunity to participate in project planning.

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

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

The current proposal to expand Wright's Marina at the mouth of the bay has included public access as a multiple use. Municipal approvals of this proposal and other private developments can, with provisions for public access, further strengthen the small harbor role of Morristown Bay, increase the recreational use of the river and bay resources, and expand waterfront tourism in general (see Policies 4, 4A, 18A, 21 and 21A).

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

**POLICY 23A ENCOURAGE PRIVATE RESTORATION, REHABILITATION AND PRESERVATION OF HISTORIC STRUCTURES HAVING ONLY LOCAL SIGNIFICANCE.**

EXPLANATION OF POLICY

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

Policy 23 is not to be construed as a passive mandate but must include active efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entryways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in 1, above plus any other appurtenant fixture associated with a building structure or earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

Policy 23 shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

Policy 23 applies to the seven structures in the local waterfront area that have been recognized as highly significant by reason of their placement on State and National registers of Historic Places (Ref: Sect. II, Part 2, C. Analysis, and Plate 8a). Such historic resources will warrant the maximum protection which can be practically afforded in implementing this policy. All government agencies should avoid, to the maximum extent practicable, undertaking direct actions which would jeopardize these historic resources.

Policy 23A applies to the numerous remaining historic structures and/or sites described in Section II as having only local significance (Ref: Sect. II, Part 2, C. Inventory and Analysis, and Plates 8a and 8b). Collectively, these other historic resources warrant attention from the two communities. Such resources embody much of the local cultural heritage and contribute importantly to present day community character. Public education and local recognition should encourage private owners to restore, rehabilitate and preserve these locally significant structures and/or sites, preferably along the guidelines set forth above for highly significant historic resources.

## **SCENIC RESOURCES POLICIES**

**POLICY 24            THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO MORRISTOWN.**

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

**POLICY 25A**        **IMPROVE, ENHANCE AND PROTECT THE AESTHETIC CHARACTER OF THE VILLAGE'S BUILT ENVIRONMENT WITH PARTICULAR ATTENTION TO THE IMAGE OF THE SMALL HARBOR AREA AND THE COMMERCIAL SECTION OF MAIN STREET.**

EXPLANATION OF POLICY

Policy 25 applies to the scenic resources of local significance: scenic highway corridors along NY Route 12 and, in the Village, along NY Route 37; vistas along the shoreline of Jacques Cartier State Park; views of the St. Lawrence River and outer Morristown Bay from Chapman Park, from the intersection of Main and Morris Streets and from Bayside Park; and the image of the village's older waterfront areas. The Village and Town recognize the considerable value these locally significant resources have for tourism, general coastal character, and quality of life. (Ref.: Sect. II, Part 1, F. Analysis and Plates 5a and 5b.)

When considering a proposed action, all government agencies shall insure that the action will be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activity which could impair or further degrade scenic quality is defined as follows: (i) the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction or removal of structures, whenever the geologic forms, vegetation, or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or material will diminish the scenic quality of an identified resource.

Policy 25A applies specifically to the older, developed areas of the Village's waterfront with emphasis on the small harbor area of outer Morristown Bay and the commercial section of Main Street. From the perspective of visual quality, the vacant or underutilized properties, deteriorated structures, and streetscapes in need of attention along the eastern side of the outer bay and in adjoining Main Street commercial area have detrimental effects on the village's coastal image. (Ref.: Sect. II, Part 2, A. Analysis, 1.) The isolated character of the bayside and riverside uses and the orientation of Main Street business away from the water compound the image problems. (Ref.: Sect. II, Part 1, F. Analysis.)

When considering a proposed action in these areas, all government agencies shall recognize the importance of improving and protecting visual quality as an integral part of revitalizing the waterfront, improving the small harbor's role, and strengthening the local economy.

## Policy Guidelines

The following general 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. General guidelines include:

1. Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original landform, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing enhances views of coastal waters;
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
8. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

When an action is proposed to be undertaken along the eastern side of outer Morristown Bay or in the commercial section of Main Street, the following additional guidelines shall be used to achieve Policy 25A:

1. Open views from Main Street to the bay and/or river should be protected, enhanced and, where possible, increased especially where such views can be associated with public access, historic tours and development or redevelopment which increases the orientation of Main Street toward the shoreline.
2. Whenever physically possible, pedestrian walkways, stairs, interpretive displays, boutiques, small novelty or speciality shops, outdoor restaurant or cafe decks and similar water-enhanced features should be encouraged along and to the waterward side of Main Street commercial establishments. The development of such facilities should be supported through cooperative public/private efforts in renovating both

front and rear building facades, providing adequate parking, ensuring the availability of sanitary and storm sewers and water mains, and promoting tourism in general.

3. While encouraging revitalization with better linkages between the bay or river and Main Street, attention must be given to protecting historic structures and existing features of non-historic structures which contribute to the small bayside Village's image, i.e., density, scale, form, texture, landscaping and setback.

### **AGRICULTURAL LANDS POLICY**

**POLICY 26 TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS NOR IMPAIR THE PRODUCTIVITY OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR, IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.**

### **EXPLANATION OF POLICY**

The primary concern of this policy is with the loss of important agricultural land (FN 1) when that loss would have a significant effect on an agricultural area's ability to continue to exist, to prosper, and even to expand. A series of determinations are necessary to establish whether a public action is consistent with the conservation and protection of agricultural lands or whether it is likely to be harmful to the health of an agricultural area. In brief, these determinations are as follows: First, it must be determined whether a proposed public action would result in the loss of important agricultural lands as mapped on the Coastal Inventory. If it would not result, either directly or indirectly, in the loss of identified important agricultural lands, then the action is consistent with the policy on agriculture. If it is determined that the action would result in a loss of identified important agricultural lands, but that loss would not have an adverse effect on the viability of agriculture in the surrounding area, then the action may also be consistent with the agriculture policy. However, in that case the action must be undertaken in a manner that would minimize the loss of important farmland. If the action is determined to result in a significant loss of important agricultural land, that is if the loss is to a degree sufficient to adversely affect surrounding agriculture's viability, - its ability to continue to exist, to prosper and even to expand - then the action is not consistent with this agricultural policy.

Although the local waterfront area contains relatively small, scattered pockets of prime farmland, it encompasses a considerable amount of land lying within an agricultural district (Ref: Sect. II, Part 1, C. Inventory, 3 and Plates 2a and 2b). Active farming occurs in only a few of the larger pockets of prime farmland: along Atwood Road, in the southeast part of the Village, along and northwest of Scotch Bush Road, and north of Chippewa Creek (Ref: Sect. II, Part 1, C. Analysis and Plates 3a and 3b). The last of these four areas is the most viable due to its size and location

away from shoreline development. Farming within the Village is considered marginal, and the Atwood Road and Scotch Bush Road areas are quite small.

Since most of the extensively farmed areas with prime farmland soils are located to the south of the local waterfront area, the agricultural district status south of NY Routes 12 and 37 serves to buffer more viable areas of farming from coastal development. All government agencies must consider the agricultural district as a limiting factor for proposed public actions, especially where active agricultural uses continue in association with prime farmland.

### Policy Guidelines

The following guidelines define more fully what must be considered in making the above determinations:

- A. A public action would be likely to significantly impair the viability of an agricultural area in which identified important agricultural lands are located if:
  1. The action would occur on identified important agricultural land and would:
    - a. consume more than 10% of the land of an active farm (FN2) containing such identified important agricultural lands.
    - b. consume a total of 100 acres or more of identified important agricultural land, or
    - c. divide an active farm with identified important agricultural land into two or more parts thus impeding efficient farm operation.
  2. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of any identified important agricultural lands.
  3. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:
    - a. Public water or sewer facilities to serve non-farm structures.
    - b. Transportation improvements, except for maintenance of, and safety improvements to, existing facilities, that serve non-farm or non-farm related development.
    - c. Major non-agribusiness commercial development adjacent to identified agricultural lands.

- d. Major public institutions
  - e. Residential uses other than farm dwellings,
  - f. Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with agricultural use of the land.
- B.** The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
- 1. Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income.
  - 2. Agribusiness development which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation, e.g., milk hauler, grain dealer, farm machinery dealer, veterinarian, food processing plants.
- C.** In determining whether an action that would result in the loss of farmland is of overriding regional or statewide benefit, the following factors should be considered:
- 1. For an action to be considered overriding it must be shown to provide significantly greater benefits to the region or State than are provided by the affected agricultural area (not merely the land directly affected by the action). In determining the benefits of the affected agriculture to the region or State, consideration must be given to its social and cultural value, its economic availability, its environmental benefits, its existing and potential contribution to food or fiber production in the State and any State food policy, as well as its direct economic benefits. These criteria are explained below.
    - a. An agricultural area is an area predominantly in farming and in which the farms produce similar products and/or rely on the same agribusiness support services and are to be a significant degree economically interdependent. At a minimum, this area should consist of at least 500 acres of identified important agricultural land. For the purpose of analyzing impacts of any action on agriculture, the boundary of such area need not be restricted to land within the coastal boundary. If the affected agricultural lands lie within an agricultural district then, at a minimum, the agricultural area should include the entire agricultural district.
    - b. In determining the benefits of an agricultural area, its relationship to agricultural lands outside the area should also be considered.
    - c. The estimate of the economic viability of the affected agricultural area should be based on an assessment of:

1. soil resources, topography, conditions of climate and water resources;
  2. availability of agribusiness and other support services, and the level and condition of investments in farm, real estate, livestock and equipment;
  3. the level of farming skills as evidenced by income obtained, yield estimates for crops, and costs being experienced with the present types and conditions of buildings, equipment, and cropland;
  4. use of new technology and the rates at which new technology is adopted;
  5. competition from substitute products and other farming regions and trends in total demand for given products;
  6. patterns of farm ownership for their effect on farm efficiency and the likelihood that farms will remain in use.
- d. The estimate of the social and cultural value of farming in the area should be based on an analysis of:
1. the history of farming in the area;
  2. the length of time farms have remained in one family;
  3. the degree to which farmers in the area share a cultural or ethnic heritage;
  4. the extent to which products are sold and consumed locally;
  5. the degree to which a specific crop(s) has become identified with a community.
- e. An estimate of the environmental benefits of the affected agriculture should be based on analysis of:
1. the extent to which the affected agriculture as currently practiced provides a habitat or food for wildlife;
  2. the extent to which a farm landscape adds to the visual quality of an area;
  3. any regional or local open space plans, and degree to which the open space contributes to air quality;
  4. the degree to which the affected agriculture does, or could, contribute to the establishment of a clear edge between rural and urban development.
- D. Whenever a proposed action is determined to have an insignificant adverse effect on identified important agricultural land or whenever it is permitted to substantially hinder the achievement of the policy according to DOS regulations, Part 600, or as a result of

the findings of an EIS, then the required minimization should be undertaken in the following manner:

1. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural, or, if it must be sited on identified important agricultural land, sited to avoid classes of agricultural land according to the following priority:
  - a. prime farmland in orchards or vineyards
  - b. unique farmland in orchards or vineyards
  - c. other prime farmland in active farming
  - d. farmland of statewide importance in active farming
  - e. active farmland identified as having high economic viability
  - f. prime farmland not being farmed
  - g. farmland of statewide importance not being farmed
  
2. To the extent practicable, agricultural use of identified important agricultural land not directly necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farms. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

#### **ENERGY AND ICE MANAGEMENT POLICIES**

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

#### **EXPLANATION OF POLICY**

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

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

Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

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

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

EXPLANATION OF POLICY

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats as will be identified in the Coastal Area Maps, 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.

Ice management is deemed herein to include the operation of ice breakers and winter navigation proposals for the St. Lawrence River.

**POLICY 29            THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO MORRISTOWN.**

WATER AND AIR RESOURCES POLICIES

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

### EXPLANATION OF POLICY

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

The widespread dependence on septic systems in the Town requires careful on-going review of new installations. The extent of shallow soils overlying bedrock is a serious constraint to such installations (Ref: Sect. II, Part 1, A. Analysis, 1, and C. Analysis, 1 and 2.)

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

### EXPLANATION OF POLICY

The State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and coastal management policies shall be factored into the review process for coastal waters. However, such considerations shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting." Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting," waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development. The Town and Village have reviewed the classification of waters within the local waterfront area and find them to be generally consistent with the existing and proposed land and water uses put forth in this program. However, with swimming as a traditional recreation activity in outer Morristown Bay (off the Village Park), it is felt that a "B" classification would be more appropriate there. The newly constructed sanitary sewers and

sewage treatment facilities in the village should eliminate direct discharges of sewage into the bay, making this better water quality classification more tenable.

**POLICY 32            ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE  
SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE  
THE COSTS OF CONVENTIONAL FACILITIES ARE  
UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING  
TAX BASE OF THESE COMMUNITIES.**

EXPLANATION OF POLICY

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller less densely populated areas and for which conventional facilities are too expensive.

The Village of Morristown has studied both a conventional gravity sewer system and a vacuum system. Given the depth to bedrock and the small population to be served by sewers, the gravity system has been determined unfeasible due to the prohibitive costs of extensive blasting. The vacuum system, on the other hand, was determined to be feasible. The Village recently completed its construction.

On-site disposal systems elsewhere in the Village or in all areas of the Town will be required to adhere to the NYS Department of Health standards. Because of widespread soil conditions poorly suited to conventional septic systems, many areas will require substantially larger lots to accommodate on-site disposal or alternative and innovative systems. The latter will be encouraged (Ref: Section II, Part 1, A. Analysis, a and C. Analysis, b).

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

EXPLANATION OF POLICY

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

The Village's storm sewers were known to be carrying direct discharges of untreated sewage or poorly treated sewage into Morristown Bay (see Policies 30 through 32). However, the Village has recently completed construction of a sanitary sewer and sewage treatment facility that will eliminate this source of water pollution.

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

EXPLANATION OF POLICY

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as significant fish and wildlife habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the NYS Department of Environmental Conservation (6 NYCRR, Part 657).

Pump-out facilities for marine holding tanks shall be required at all new marina facilities within the Village and Town waterfront areas, unless a determination has been made that (1) adequate pump-out facilities already exist within a reasonable distance of the new or expanded marina and (2) use of such pump-out facilities is open to the public.

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

EXPLANATION OF POLICY

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

In view of siltation problems in Morristown Bay, dredging may be necessary for effective development of the bay's small harbor function and appropriate siting of water-dependent uses (Ref: Sect. II, Part 1, A. Inventory, 2, and Analysis, 2; E. Analysis, 4; and Part 2, A. Analysis, 3). Harbor development and facilitation of water-dependent uses will be critical aspects of revitalization efforts in the bayside areas of the Village (Ref: pp. 29 and 30). Development along the western side of inner Morristown Bay may depend on or induce dredging permit applications to maintain navigability in that area of the bay (Ref: Plate 7). The review of such applications should consider achieving a balance between protective measures for the inner bay's water quality and role as a locally important fish and wildlife habitat and developmental measures providing for revitalization, small harbor development and the siting of water-dependent uses (including public access and recreation activities in the southeast corner of the bay). (See Policies 1, 1A-1C, 2 2A and 2B, 4, 7A, 8, 9, 19, 19A, 19C, 20B, 21, 21A 22, 22A, 30 and 31.)

Dredging proposals for marina expansion along the eastern side of the bay's mouth are more likely to involve blasting and rock removal than disturbance of deep silt beds (Ref: Sect. II, Part 1, A. Analysis, e).

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

#### EXPLANATION OF POLICY

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (s27-0901.3) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." 6 NYCRR Part 371 lists hazardous wastes.

Because of its location along the St. Lawrence Seaway, the area has been subjected to petroleum and other hazardous wastes spills in the past, the Town and Village realize the impact that such spills can have, both ecologically and economically, on the waterfront area. (Ref: Sect. II, Part 1, A. Analysis e). The Town and Village encourage the maximum practicable measures that will prevent or at least minimize spills and discharges of such wastes into its coastal waters.

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

**EXPLANATION OF POLICY**

Excess nutrients and organics can, and in many cases do, enter surface waters as a result of uncontrolled surface runoff, leaching, development activities and poor agricultural practices. Best management practices to be used to reduce these sources of pollution include, but are not limited to, encouraging organic farming, pest management practices, phased development, surface runoff retention basins, placement of vegetation, erosion control practices and other surface drainage control techniques. Through the use of land use regulations and site plan review provisions, the Town and Village will use best management practices to reduce such non-point pollution sources.

Silt from eroding inland soils is a particular concern with respect to Morristown Bay and the stagnation and eutrophication occurring there (Ref: Sect. II, Part 1, A. Analysis, b) Government agency reviews of future development in areas which drain to the bay should address these and other potential sources of non-point pollution which would impact the bay's water quality.

**Policy Guidelines**

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

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

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

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

EXPLANATION OF POLICY

The St. Lawrence River is the principal source of water supply for the Village of Morristown Ref: Sect. II, Part 1, A. Analysis, c and Part 2, A. Inventory, d). As such, its protection from pollutants is vital, especially immediately upstream of the intake off Chapman Point. Groundwater, on the other hand, is the sole source of potable water for the Town (Ref: Sect. II, Part 1, A. Analysis, d) Given the characteristics of bedrock, surficial deposits and soils in the local waterfront area, careful review of septic system installations will be necessary to ensure that contaminants do not reach into the limestone fractures or deep gravel beds that are tapped for well water (Ref: Sect. II, Part 1, A. Inventory, d) Also, major water users or heavily concentrated development activity must also be guided to locations which would not deplete the quantity of groundwater available to existing users (Ref: Sect. II, Part 1, A. Analysis, d).

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

EXPLANATION OF POLICY

Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris, and industrial and commercial waste. Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of littoral areas, atmospheric loading, and degradation of scenic resources.

Solid wastes do not pose a measurable threat to water quality in the local waterfront area. In the Village, municipal refuse collection is provided. Refuse is hauled to a transfer site and taken to a landfill outside the coastal area by private contractor. In the Town, the individual land owners take their refuse directly to the transfer site.

Refer to Policy 36 for explanation of hazardous wastes.

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

EXPLANATION OF POLICY

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

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

### EXPLANATION OF POLICY

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

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

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

### EXPLANATION OF POLICY

The policies of the State CMP and the LWRP concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change the prevention of significant deterioration land classification in coastal regions or adjacent areas.

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

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

**POLICY 44            PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.**

### EXPLANATION OF POLICY

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

In the local waterfront area, the wetlands addressed by this policy are generally scattered and relatively small, with the exception of the Chippewa Creek Marsh. The wetlands specifically addressed by this policy are described in Section II, Part 1, D. Analysis d and identified on Plates 5a and 5b. All of these wetlands embody recreational, aesthetic, and/or ecological benefits. Specifically, the benefits derived from the preservation of freshwater wetlands include, but are not limited to:

- habitat for wildlife and fish and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

**SECTION IV**  
**PROPOSED USES AND PROJECTS**