

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

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A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. EXISTING LOCAL LAWS AND REGULATIONS

a. City of Oswego Master Plan, 1978.

- (1) In 1978, the City of Oswego published the Proposed Master Plan 1978 as part of the City's Community Development Plan and Program to update the two previous major planning efforts by the City of Oswego, the Master Plan of 1958 and the Zoning Ordinance of 1973. "The overall objective", as stated in the Introduction to the Master Plan, "is to plan for a vital resident population, encouraging those already living in the City to continue to do so and seeking to attract new residents necessary to assure a modest growth and a reasonable balance of age groups, economic levels, and life styles."
- (2) The City's Proposed Master Plan, although not formally adopted by the Oswego Common Council, is used routinely as a guide for local development decisions.

b. City of Oswego 1973 Zoning Ordinance, amended August 16, 1982.

- (1) The City of Oswego adopted a zoning ordinance on May 29, 1940, which has been amended in the intervening years as necessary, most recently in 1982. The purpose of the zoning ordinance is to provide for orderly growth, lessen congestion, secure safety, provide adequate light and air, prevent overcrowding, provide various public facilities and promote the health, safety and general welfare of the public.
- (2) The City of Oswego Zoning Ordinance is an important element in the implementation of the LWRP since all development must conform with the regulations specified for the district in which the development is proposed. Therefore, no LWRP implementation actions involving new or modified existing physical facilities can be undertaken without meeting the requirements of the zoning ordinance.
- (3) The City's Zoning Ordinance was officially amended during the preparation of the LWRP to include several minor modifications presented below.

Page 1. Section 103 — Add to first paragraph: "and to promote the appropriate use of the waterfront and allow adequate public access to the water".

Page 7. Section 160 — Add the following definitions:

Marina, Commercial: A facility for the berthing, fueling, repair, and storage of recreational and commercial boats and the provision of related accessory services; a yard where boats are constructed.

Mooring Slip: Any dock, arrangement of piles or methods used to berth, secure, or fasten a boat.

Yacht Club, Private Marina: A building or use for members of a group or association for the purpose of engaging in recreational and competitive boating or other water-related sports.

The marine activities added to Section 160 are to be allowed in Neighborhood Business B1, Central Business B2, Redevelopment District B3, and Industrial District IN (Sections 461, 471, 481, and 491 respectively).

Page 38. Section 502 — Add the following statement:

10. With respect to property within the Oswego Waterfront Revitalization Area Boundary, the owner shall demonstrate how the proposed development will enhance the waterfront area or otherwise fulfill the City's waterfront revitalization program and, in addition, provide where possible for visual and physical access to the shore and water in conformance with the City's waterfront revitalization program.

Page 51., following Section 564 — Add the following section:

Section 565 — Obstruction of Waterways

To prevent encroachment upon, or obstruction of, river or creek channels, harbor, or other waterways within the jurisdiction of the City of Oswego, there shall not be placed, erected, or located within such waterways any building or structure, pier, slip, or marina, or retaining or revetment wall except authorized bridges or dams. In addition, there shall not be placed within such waterways any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill.

However, these provisions may be waived if the structure or fill is approved by the Oswego City Engineer and the Oswego Common Council, and the U.S. Army Corps of Engineers, and other public bodies, where applicable.

c. Coastal Erosion Hazard Area Management Regulation.

- (1) A new Coastal Erosion Hazard Area Management Regulation has been adopted to help implement the Oswego LWRP. This local

law establishes the parameters and guidelines for protection of the City's Lake Ontario shoreline.

(2) The Coastal Erosion Hazard Area Management Regulation implements the LWRP because it accomplishes the following purposes:

- o minimizing and preventing damage to structures from shoreline erosion and protection of natural protective feature areas;
- o regulating land use and development activities so as to minimize or prevent damage or destruction to manmade property, natural protection features, other natural resources, and human life;
- o regulating new construction or placement of structures in order to place them a safe distance from areas of active erosion to ensure that these structures are not prematurely destroyed or damaged due to improper siting;
- o restricting public investment in services, facilities, or activities which are likely to encourage new permanent development in erosion hazard areas; and,
- o regulating the construction of erosion protection structures in coastal areas subject to serious erosion so that their construction and operation will minimize or prevent damage or destruction of manmade property, private and public property, natural protective features, and other natural resources.

2. ADDITIONAL LOCAL LAWS AND REGULATIONS ADOPTED TO IMPLEMENT THE LWRP

a. Local Waterfront Revitalization Program Consistency Law.

- (1) A local consistency law has been adopted to assure that agencies of the City of Oswego will perform municipal functions in a manner consistent with the Oswego LWRP with respect to the waterfront area.

B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

1. LOCAL GOVERNMENT ACTIONS NECESSARY TO IMPLEMENT THE LWRP

- a. Housing Site Analysis - Applicable to Sites #1 and 14; may also be applicable to Site #9 since a mixed use planned development is under consideration.
- (1) Undertake a housing site analysis by a qualified housing development advisor of opportunity sites where housing is a potential use.

- (2) Several of the opportunity sites identified in the LWRP appear to have potential as possible housing sites and, therefore, should be evaluated by a qualified housing development advisor. The evaluation should include natural characteristics, neighborhood setting, market level suitability, and financial feasibility. This information can be supplemented by the site data obtained for the inventory of opportunity sites, in particular the availability of utility services and appropriate zoning.

Several of the sites have locations which are enhanced by their adjacency or proximity to the water as well as other housing developments where commercial, industrial, or recreational development would not be compatible or appropriate. Since these sites are vacant or underutilized and within the Coastal Boundary, their development would help implement the LWRP and enhance the City's efforts to revitalize the waterfront as well as increase real estate tax revenues. Encouraging people to live in the waterfront area will help to assure vitality and support a mixture of land uses. This action will help to fulfill State Policies 1, 2, 5, 6, 11, 12, 14, 16-25, 30, 31, 33, 37, 38, 41, and 44 and related local policies.

- b. Priority Listing of UDAG Sites - Applicable to Sites #3, 5, 7, 9, 10, and 12.

- (1) Develop a priority listing of waterfront area sites to be used as potential UDAG candidates in joint public-private financing.

- (2) The LWRP identifies the City's vacant and underutilized opportunity sites which are available for reuse in the waterfront area. The City's next step is to provide incentives to attract private investor interest in these sites, including public and private joint financing strategies. Successful efforts to market the opportunity sites will greatly depend on making reuse of the sites financially attractive to investors. The Urban Development Action Grant Program is a means of increasing public and private investment in order to aid in economic recovery and strengthen the employment and tax base of communities. This action will help to fulfill State policies 1-3, 5, 6, 11-14, 16-25, 31, 33, 41, and 44 and related local policies.

- c. Increase Public Access - Applicable to Sites #2,3,6,8, and 11 and to that portion of Site #13 north of the railroad.
 - (1) Increase opportunities for public access to the waterfront through such means as new recreational areas, walkways and the use of street ends.
 - (2) The City's current efforts to provide additional public access to the waterfront, such as at Wright's Landing and the Linear Parks on the West and East banks, have generated public interest in and support for identifying additional public access opportunities. The City will be examining other opportunities for implementing the public access portion of the LWRP in conjunction with the development of design guidelines. This action will help fulfill State policies 1, 2, 5, 9, 12, 18-25, 33, and 41 and related local policies.

2. PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

- a. Fitzgibbons Building Site Analysis - Applicable to Site #13.
 - (1) Prepare an analysis of the Fitzgibbons Building to determine how the site could be made more attractive to developers for redevelopment or reuse, including building demolition and site clearance, and the estimated costs of alternatives.
 - (2) The site analysis would be carried out under the auspices of the Port of Oswego Authority and a subcommittee of the Oswego LWRP Advisory Committee in cooperation with Operation Oswego County, Inc., a private, nonprofit, local industrial development agency which markets Oswego County to private interests in order to retain existing employment opportunities and attract new employers. The Fitzgibbons Building is a largely vacant, former factory used to manufacture military tanks. The 300,000 square feet of floor area has, to date, not attracted a definitive, permanent reuse. The site is well situated for a variety of uses and offers a panoramic view of Lake Ontario. There have been some indications that the existing structure, being largely unusable, may be a deterrent to a reuse of the site. A complete site analysis would provide the Port with useful information on how redevelopment of this opportunity site can help implement the LWRP. This action will help fulfill State policies 1-3, 5, 18-25, 33, and 41 and related local policies.
- b. Foreign Trade Zone Feasibility - Applicable to Port-owned property noted on Figure 7, Section IV and to Sites #3,13,15, and 16.

- (1) Investigate the feasibility of establishing a foreign trade zone within the City to provide new employment opportunities for area residents.
- (2) With the establishment of a foreign trade zone (FTZ) in the City of Syracuse, interest has been expressed in investigating Oswego's potential for establishing a FTZ. An Oswego FTZ could have the effect of stimulating local business activity, possibly including operations at the Port of Oswego, thereby offering additional employment opportunities and strengthening local economic revitalization efforts. The feasibility analysis would be carried out under the auspices of the Port of Oswego with the assistance of Operation Oswego County, Inc. This action will help fulfill State policies 1-3, 5, 6, 14, 18-25, 33, 36-38, 41, and 44 and related local policies.

c. Boating Facility Potential - Applicable to Sites #2 and 11.

- (1) Investigate the potential for developing additional recreational and tourist boating facilities, particularly with respect to appropriate siting of such facilities.
- (2) Oswego has the opportunity to benefit economically from the growing interest in boating activity. This includes private pleasure craft, fishing and sightseeing excursion boats, regattas, and boat shows. However, the expansion of the recreational and tourist boating activity is limited by the facilities available. If the City is to maximize the potential benefits, additional steps will be needed to determine where additional facilities to meet demands could be located. The investigation would be carried out by the City's Community Development Agency, in cooperation with the Port of Oswego Authority and the Oswego Maritime Foundation. This action will help fulfill State policies 1-3, 5, 6, 9-25, 28, 33-35, 37, 38, 41, and 44 and related local policies.

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

1. LEAD AGENCY AND LOCAL OFFICIAL DESIGNATED AS RESPONSIBLE FOR OVER-ALL MANAGEMENT AND COORDINATION OF THE LWRP

The Mayor of the City of Oswego is the local official responsible for the LWRP. The Mayor delegates specific LWRP responsibilities to individual City departments in accordance with specific program requirements.

2. SUMMARY OF THE ASSIGNMENT OF THE SPECIFIC RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT OF THE LWRP

Specific responsibilities for implementation and management of the LWRP are assigned by the Mayor. Matters pertaining to land development and zoning are normally within under the purview of the City Engineer and the Planning Board. Given the small size of the City government, many activities are accomplished using inter-departmental cooperative efforts, as assigned by the Mayor. Two departments in particular have been associated with the development of the LWRP, namely, the Office of the City Engineer and the Community Development Agency. Their continued participation is anticipated in the future, depending on assignments made by the Mayor.

3. DESCRIPTION OF PROCEDURES TO BE USED TO ENSURE THAT ALL LOCAL ACTIONS COMPLY WITH THE POLICIES OF THE LWRP

The Mayor has final responsibility for ensuring that local actions are in compliance with the LWRP policies. Local actions proposed for the waterfront area will be reviewed in accordance with SEQRA procedures and existing land use controls and with the policies and purposes stated in the Local Waterfront Revitalization Program.

4. DESCRIPTION OF PROCEDURES TO BE USED FOR THE REVIEW OF FEDERAL AND STATE ACTIONS FOR CONSISTENCY WITH THE LWRP

Federal and State actions proposed for the waterfront area will be reviewed for consistency in accordance with SEQRA procedures and existing land use controls and with the policies and purposes stated in the City of Oswego Local Waterfront Revitalization Program. The following paragraphs outline the City's review procedure.

- A. Upon receipt of notification from a state or federal agency of a proposed action, including physical development projects, regulatory measures or funding support for projects, the City of Oswego will be responsible for evaluating a proposed action against the policies and purposes of its LWRP within thirty (30) days of receipt of complete information for evaluating each proposal.
- B. If the City of Oswego does not identify any conflicts between the proposed action and the applicable policies and purposes of the LWRP, the subject agency will be notified in writing of the City's finding of no conflict. Upon receipt of the City's finding, the subject agency may proceed with its consideration of the proposed action.
- C. If the City of Oswego does not notify the subject agency in writing of its finding within the established review period, the agency may then assume that the proposed action does not conflict with the policies and purposes of the City's LWRP.

- D. If the City of Oswego notifies the subject agency in writing that the proposed action does conflict with the policies and/or purposes of the LWRP, the subject agency shall not proceed with the proposed action until efforts are made to resolve the conflict(s) in accordance with the procedure outlined in paragraph E. below. At such time as the subject agency is notified of the conflict(s), the City will also forward a copy of the identified conflicts to the Secretary of State. The specific policies and/or purposes with which the proposed action is in conflict will be specified in the notification.
- E. The following procedure is to be followed for resolution of identified conflicts:
1. Upon receipt of notification from the City of Oswego that a proposed action conflicts with the LWRP, the subject agency shall contact the Mayor of the City of Oswego to discuss the conflict(s) and the means for resolving them. A meeting between subject agency representatives and the City of Oswego may be necessary to discuss and resolve conflicts and, if this step is deemed necessary, both parties shall make every effort to convene this meeting within thirty (30) days from receipt of the conflict notification from the City.
 2. If the discussion between the City of Oswego and the subject agency results in the resolution of the identified conflict(s), the subject agency can then proceed with its consideration of the proposed action. The Mayor of the City of Oswego will notify the subject agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved.
 3. If the consultation between the City of Oswego and the subject agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the formal consultation between the City and the subject agency. The party requesting the assistance of the Secretary shall forward a copy of their request to the other party.
 4. Within thirty (30) days following receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with the appropriate representatives of the subject agency and the City of Oswego.

5. If agreement among all parties cannot be reached during these discussions, the Secretary shall, within 15 days of completion of the discussions, notify both parties of the Department's findings and recommendations.
6. The subject agency shall not proceed with consideration of the proposed action until the Secretary's findings and recommendations have been received and have been concurred with by both the City and the subject agency.
7. If the Secretary cannot obtain the concurrence of both parties, the conflict resolution process shall be considered terminated and the City shall be free to pursue other options available to it under applicable state law.

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

Several financial strategies are being used or are under consideration for attracting private-investor participation in waterfront revitalization efforts. These include the use of the City's General Fund, the Community Development and Urban Development Action Grant Programs, Transportation Bond Act funds administered by NYS Department of Transportation, the NYS Division of Housing and Community Renewal funding administered through the Oswego Housing Development Council, Inc., and the resources of Operation Oswego County, Inc. including the potential use of direct loans or mortgages under the Small Business Administration's 503(b) Program as well as industrial development bonds and funding through the Job Development Authority. In addition, other financial strategies are available to the City if an appropriate opportunity arises including property tax abatements, public easements, purchase and leaseback agreements, and land swapping.

Listed below are actual or potential public and private financial resources identified for use in implementing the projects identified earlier in Section IV and other public and private implementation actions identified in the preceeding paragraphs.

Implementation Actions

Funding Source

1. Proposed projects

- a. Linear Park
 - o Partially funded through HUD via Jobs Bill (\$195,000), (\$2.07 million) now being sought from other federal/state sources
- b. Wright's Landing - all phases
 - o Phase III - Funded and under construction (\$465,000) -- NYS Office of Parks & Recreation;
 - o Phase IV - Partially funded
- c. Port of Oswego Improvements
 - o NYS Dept. of Transportation: Equipment and improvements (\$2.9 million)
- d. Coal Pier Improvements
 - o Funding source not identified.

2. Other Public/Private Actions

- a. Additions to Zoning Ordinance
 - o City General Fund
- b. Housing Site Analysis
 - o NYS Department of Housing & Community Renewal
- c. Priority Listing UDAG Sites
 - o City General Fund/City Community Development Program
- d. Increase Public Access
 - o City General Fund/City Community Development Program/NYS Council on the Arts
- e. Fitzgibbons Building Site Analysis
 - o Port of Oswego Authority/NYS Dept. of Transportation/Operation Oswego County, Inc./LWRP Subcommittee
- f. Foreign Trade Zone Feasibility
 - o Operation Oswego County Inc.
- g. Boating Facility Potential
 - o City Community Development Program

3. Management of LWRP

- a. Mayor, Common Council, City Engineer, Planning Board, SEQRA review
 - o City General Fund
- b. Office of Community Development
 - o City Community Development Program

E. SUMMARY CHART OF ACTIONS IMPLEMENTING LOCAL POLICIES

LOCAL GOVERNMENT ACTIONS						PRIVATE ACTIONS			
Policy Number	Not Applicable	* Additions to Zoning Ordinance	Coastal Erosion Hazard Area Mgmt. Regs.	Housing Site Analysis	Priority List of UDAG Sites	In-creased Public Access	Fitz-gibbons Site Analysis	Foreign Trade Zone Feasi-bility	Additional Boating Facili-ties
1		x	x	x	x	x	x	x	x
2		x	x	x	x	x	x	x	x
3		x	x		x		x	x	x
4	x								
5		x	x	x	x	x	x	x	x
6		x	x	x	x			x	x
7		x	x						
8		x			x				
9		x	x			x			x
10		x							x
11		x	x	x	x				x
12		x	x	x	x	x			x
13		x	x		x				x
14		x	x	x	x			x	x
15		x							x
16		x	x	x	x				x
17		x	x	x	x				x
18		x	x	x	x	x	x	x	x
19		x	x	x	x	x	x	x	x
20		x	x	x	x	x	x	x	x
21		x	x	x	x	x	x	x	x
22		x	x	x	x	x	x	x	x
23		x	x	x	x	x	x	x	x
24		x	x	x	x	x	x	x	x
25		x	x	x	x	x	x	x	x
26	x								
27	x								
28		x	x						x
29	x								
30		x		x					
31		x		x	x				
32	x								
33		x	x	x	x	x	x	x	x
34		x							x
35		x	x						x
36		x						x	
37		x	x	x				x	x
38		x	x	x				x	x
39		x							
40		x							
41		x	x	x	x	x	x	x	x
42	x								
43	x								
44		x	x	x	x			x	x

*The City of Oswego Master Plan, as explained in the text, has not been adopted yet but is used as an informal benchmark in planning and development decision-making.