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Village of Sackets Harbor Local Waterfront Revitalization Program

Adopted:
Village of Sackets Harbor Board of Trustees, April 9, 1986

Approved:
NYS Secretary of State Gail S. Shaffer, May 22, 1986

Concurred:
U.S. Office of Ocean and Coastal Resource Management, July 7, 1986

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LW CES
LLH

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization and Coastal Resources Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, 162 Washington Avenue, Albany, New York 12231.



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231

GAIL S. SHAFFER
SECRETARY OF STATE

May 22, 1986

Honorable Vincent J. Capozzella
Mayor
Village of Sackets Harbor
112 North Broad Street
Sackets Harbor, New York 13685

Dear Mayor Capozzella:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization and Coastal Resources Act, I have approved the Village of Sackets Harbor Local Waterfront Revitalization Program (LWRP). The Village is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will shortly notify State agencies that I have approved the Village's LWRP and will provide them with a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the Sackets Harbor LWRP.

Again, I would like to commend the Village of Sackets Harbor on its efforts to develop the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Gail S. Shaffer', written in dark ink.

Gail S. Shaffer

GSS:lc



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

N/ORM3:JH

JUL - 7 1986

Mr. George Stafford
Coastal Program Manager
Department of State
162 Washington Street
Albany, New York 12231

Dear Mr. Stafford

The Office of Ocean and Coastal Resource Management has completed its review of your request to incorporate the Village of Sackets Harbor Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program. We have received the adopted program approved by the New York Secretary of State. We received comments from 4 agencies, none of which objected to adopting the LWRP as a routine program implementation change.

You and my staff have discussed the problem of the need to clearly identify in the LWRP which of the 44 coastal policies listed in the NYS CMP apply to the LWRP area. The current use of "not included" is very confusing to the users of these programs. Because there is evidence in the documents, however obscure, that policies labeled "not included" do apply, we concur with your request that the Sackets Harbor LWRP be considered as a routine program implementation. However, we expect the State to remedy the problem of clearly identifying which policies apply by eliminating the term "not included" as soon as possible.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Village of Sackets Harbor LWRP after you publish notice of our approval.

Sincerely,

Peter L. Tweedt
Director



VILLAGE OF SACKETS HARBOR

RESOLUTION OF THE VILLAGE BOARD
OF TRUSTEES ADOPTING THE
LOCAL WATERFRONT REVITALIZATION PROGRAM

WHEREAS, the Village of Sackets Harbor entered into a contract with the New York State Department of State, dated December 15, 1982 for preparation of a Local Waterfront Revitalization Program; and

WHEREAS, a draft Local Waterfront Revitalization Program (DLWRP) was prepared under said contract with the guidance of the Waterfront Revitalization Program Advisory Committee and consulting assistance of the St. Lawrence - Eastern Ontario Commission; and

WHEREAS, a Draft Environmental Impact Statement (DEIS) was prepared for the Local Waterfront Revitalization Program in accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the Environmental Conservation Law; and

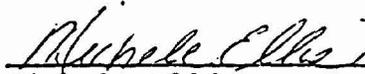
WHEREAS, a DLWRP and the DEIS were referred to appropriate local, county, state and federal agencies in accordance with State and Federal requirements; and

WHEREAS, a public hearing was advertised and held by the Mayor and Village Board of Trustees on October 9, 1985 to receive and consider comments on both the DLWRP and the DEIS; and

WHEREAS, a Final Environmental Impact Statement (FEIS) was prepared and accepted by the Mayor and Village Board of Trustees as complete on January 8, 1986.

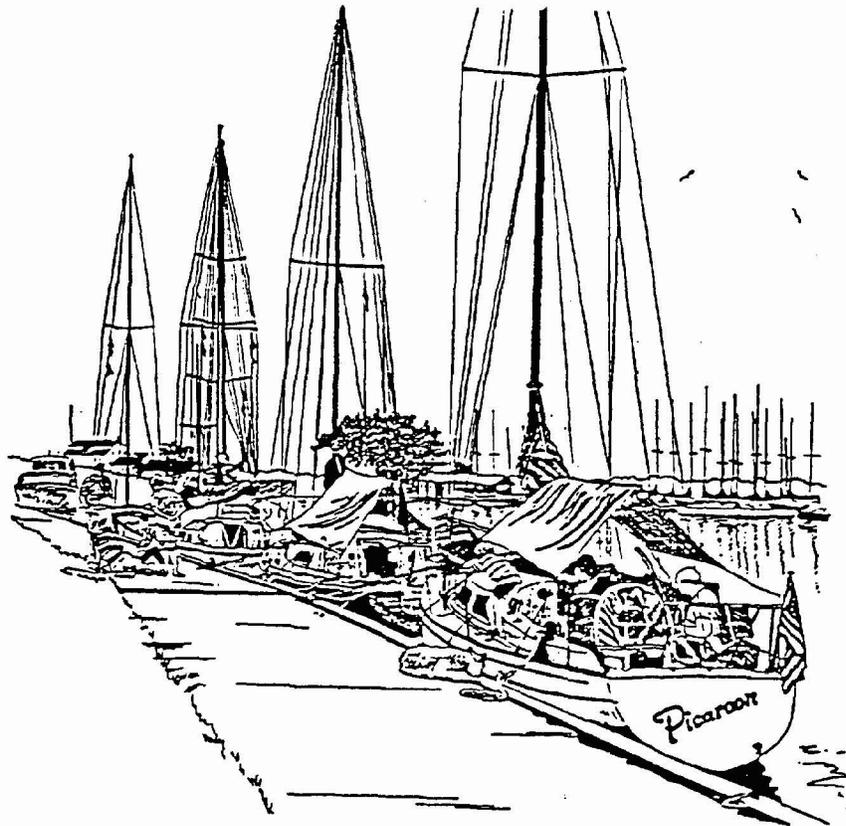
NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Trustees of the Village of Sackets Harbor, New York, that the Local Waterfront Revitalization Program for the Village of Sackets Harbor dated April, 1986, is hereby approved and adopted.

Resolution passed at a regular meeting of the Village Board of Trustees on April 9 , 1986.



Michele Ellis
Village Clerk

VILLAGE OF SACKETS HARBOR
LOCAL WATERFRONT REVITALIZATION PROGRAM



Prepared by the
VILLAGE OF SACKETS HARBOR
with the assistance of the
ST. LAWRENCE-EASTERN ONTARIO COMMISSION
and the
NEW YORK STATE DEPARTMENT OF STATE

ACKNOWLEDGEMENTS

Village of Sackets Harbor, New York

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Trustees: Robert Bachner Norman Hunneyman
 Robert Bouchard Addison Wardwell
 Barbara Hopkins Paul Warneck

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Addison Wardwell, Chairman
Richard Algie John Patton
Robert Bachner Charles Wardwell

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SACKETS HARBOR LOCAL WATERFRONT REVITALIZATION PROGRAM

EXECUTIVE SUMMARY

The Village of Sackets Harbor, situated on an inlet of eastern Lake Ontario, has a population of 1,200. The inlet, known as Black River Bay, is a popular location for sportfishing and recreational boating. Consequently, the mainstay of the village's economy is tourism, as it relates to boating, fishing, and historic attractions. The village has a rich history, having served as a base for U.S. army and naval operations beginning with the War of 1812. Though the military installations have long been deactivated, the village is left with significant historic properties. Madison Barracks, the abandoned army installation on the northern edge of the village, offers 100 acres of architecturally and historically significant buildings and grounds for redevelopment. On the north side of the village, the Sackets Harbor Battlefield State Historic Site is already a tourist attraction. The village core, situated around the small body of water known as Sackets Harbor, has numerous examples of Federal style architecture, though several of the buildings are vacant or underused. The southwestern portion of the village is primarily vacant, cleared land, with some agricultural use, and a development of lakeside cottages at the western edge of the area. Except for this western area, known as Boulton's Beach, the coastline largely consists of limestone bluffs, which provide excellent scenic views. The only natural habitat of any significance is Horse Island, a small piece of undeveloped land located a few hundred feet offshore from the village. The waters surrounding the island provide an excellent habitat for fish, while waterfowl can be found on the island itself.

The purpose of a Local Waterfront Revitalization Program (LWRP) is to govern local, State, and federal actions which affect the waterfront area. These actions may be direct undertakings of a government agency, or simply the granting of approval or permits for private developments. A LWRP approved by the NYS Department of State (DOS) requires these actions to be consistent with State and local policies set forth in that LWRP. A LWRP is not, however, a substitute for any existing permit authority nor an additional permit authority. Rather, it provides a common set of policies upon which permit decisions will be made by all permit authorities at all three levels of government.

In general, the LWRP analyzes problems and opportunities in the local waterfront, establishes a framework of coastal policies to protect and enhance the waterfront's resources, and describes proposals to resolve the problems and capitalize on the opportunities of the waterfront within the context of the established policies. The document goes on to list specific methods of implementation and summarizes the consultation and local commitment activities undertaken during the preparation of the LWRP. With DOS approval of the LWRP, the village is eligible for DOS grants for engineering and design costs for proposed projects and other activities which implement the program.

Section I. This chapter describes the boundary of the waterfront area to which the LWRP applies. A minor revision of the original State

Coastal Area boundary was approved with the approval of the LWRP in order to include all of the Sackets Harbor Village Historic District. This is appropriate due to the major role historic resources have in the economy and revitalization of the village.

Section II. An inventory and analysis of the village's existing waterfront area resources is contained in this section. Included are water resources, scenic resources, fish and wildlife, vegetation, topography, flooding and erosion, historic resources, public and semi-public facilities, commercial and industrial facilities, village infrastructure, land use, and important economic activities. The analysis identifies major problems or opportunities:

- A. The village has little commercial, industrial, or agricultural base and is primarily a bedroom community for commuters. The village's economic strength lies in its historic resources, water-related recreation and, as a result, tourism. Accordingly, both the village core area and Madison Barracks need to be protected as well as promoted and revitalized.
- B. There is no guide for the use and development of the village's harbor and immediate shoreline, which are subject to conflicting uses and development pressure.
- C. The houses along Boulton's Beach are in need of sewer service or a communal septic system and many need rehabilitation.

Other minor and related issues are also discussed. This section contains three important maps which summarize most of the text: Existing Land Use, Areas Important to the LWRP, and Development Considerations (or Constraints).

Section III. The third section lists the 44 State Coastal Policies and explains those that are relevant to Sackets Harbor. In some cases, the State policy is refined by including one or more local policies which help tailor the State policy to the local situation. The policies must be adhered to by all local, State and federal agencies undertaking an action in the waterfront area.

Section IV. Proposed land and water uses are described in the beginning of this chapter. They include: residential infill near Boulton's Beach; commercial, recreational, and some residential developments along the core area harborfront; and a new residential area immediately southwest of the village core. Multiple uses are proposed for the Madison Barracks complex. Increased boating and fishing are expected in Black River Bay, and consequently, Sackets Harbor can anticipate expanded marina facilities and recreational access.

Specific public and private project proposals are described in detail, with financial and grant application data. The seven projects to be implemented are (not necessarily in this order):

1. Boulton's Beach Sewage Collection
2. Boulton's Beach Residential Rehabilitation and Weatherization
3. Core Area Recreational Improvements

4. Harborfront Improvements
5. Commercial/Residential Rehabilitation (Core Area)
6. Street Improvements
7. Madison Barracks Revitalization

Section V. Program implementation is covered in the fifth chapter under four headings: Local Laws and Regulations, Other Public and Private Actions, Village Management Structure, and Financial Resources.

To supplement existing village regulations implementing the LWRP, the village has adopted a local consistency law, which requires the village to review its own waterfront area actions for consistency with the coastal policies. This law extends to the village the consistency requirements which already apply to State and federal agencies.

Other public actions needed to implement the LWRP mainly consist of grant applications to be made by the village. If all 7 projects are to be implemented, approximately 14 grant applications will be required. Private actions could include partial funding of a septic or sewer system by homeowners near Boulton's Beach and financial participation by property owners and private developers in the rehabilitation of homes, businesses and Madison Barracks. The village also plans to undertake an extensive revision and update of its entire zoning law. The goal of such a revision is to create an easy-to-use zoning law which also provides efficient coordination with the LWRP.

Management responsibilities lie mainly with the various village boards. Enforcement of existing zoning and building regulations is primarily the responsibility of the Building Inspector. A local Waterfront Assessment Form, to be filled out by the Building Inspector, is the only new permit form required by the LWRP. This form helps local boards and officials determine whether a proposed development abides by the coastal policies contained in the LWRP. If the development appears to be inconsistent with the LWRP, the case is referred to the Planning Board for review and comment.

As noted above, financial resources to implement the LWRP will be mainly in the form of State and federal grants augmenting limited local revenues. Specifically, applications should be prepared for federal Urban Development Action Grants, Community Development Block Grants, Land and Water Conservation Fund Grants, and Economic Development Administration Grants and NYS Department of State LWRP Implementation Grants, Division of Housing and Community Renewal Rural Preservation Company program funding, Department of Environmental Conservation design and construction grants, and Office of Parks, Recreation and Historic Preservation Urban Cultural Park funding.

Because of the large number of grant applications to be prepared and the requirements for the implementation and management of the LWRP, as well as the village's Urban Cultural Park program, the LWRP suggests that the village hire a Community Development Coordinator/Planner/Grantsperson to handle this workload. Alternatively, the village should be prepared to hire consultants to complete certain grant applications.

Section VI. This section lists Federal and State agencies whose actions or programs would be subject to consistency with the LWRP's policies and purposes. A second list notes those agencies whose actions and programs are necessary for implementation of the LWRP.

Section VIII. Because of the potential impact of the LWRP on other agencies and organizations, such groups were consulted during the preparation of the LWRP (see list, Pages 129-130). The completed draft LWRP and the accompanying Draft Environmental Impact Statement (EIS) were sent to the affected government agencies and other interested parties for their review and comment. DOS was responsible for coordinating these reviews. Also, the draft document was reviewed locally in a public hearing. Based on the comments received, the final LWRP and final EIS were prepared. All commenters on the draft LWRP and draft EIS received a copy of the final EIS.

Section VIII. Section VIII briefly summarizes activities undertaken to develop local support for and commitment to the LWRP during its preparation. This support is evidenced by volunteered time, local meetings to review the program, adoption of a local consistency law, and finally, adoption of the entire LWRP.

Final EIS. The final EIS for the LWRP was prepared separately from the LWRP document and is not included herein. The EIS describes the expected impacts on the environment resulting from adoption and implementation of the LWRP and measures to reduce or avoid any adverse environmental impacts. It also details changes which were made to the LWRP based on comments received during the review process. The final EIS is kept on file for public inspection at the village offices. It includes the full text of the Draft LWRP and Draft EIS.

SECTION I

WATERFRONT REVITALIZATION AREA BOUNDARY

SECTION I -- WATERFRONT REVITALIZATION AREA BOUNDARY

The State's Coastal Management Program established a State coastal boundary in accordance with the requirements of the Coastal Zone Management Act of 1972, as amended. After examination of this boundary, the village proposed the revision of the coastal area (landward) boundary within the Village of Sackets Harbor in order to include a contiguous portion of the Sackets Harbor Village Historic District, as listed on the National Register of Historic Places. This inclusion was recommended to allow the village to comprehensively address the relevant resources, issues, and activities of the entire waterfront. Exclusion, on the other hand, would have bisected a significant and recognizable cultural feature within the waterfront and would have bypassed deteriorated and underutilized waterfront sites that affect nearby coastal areas. The proposed boundary revision was approved by the Secretary of State with the approval of the village's LWRP. The following describes the boundary as revised. The boundary is also shown on Plate 1 and Plate 2.*

LANDWARD BOUNDARY

Beginning at the southwestern intersection of the Village of Sackets Harbor/Town of Hounsfield corporate border and the mean high water line of Lake Ontario (Henderson Bay); thence easterly along the Village of Sackets Harbor/Town of Hounsfield corporate border to Adams Road; thence northerly along Adams Road to the intersection with the Sackets Harbor Village Historic District at Broad Street; thence following said district easterly to the intersection of said boundary at Monroe Street; thence northeast on Monroe to Dodge Street; thence easterly on Dodge Street to Old Military Road; thence easterly along Old Military Road to Mill Creek; thence westerly along Mill Creek to the mean high water line of Lake Ontario (Black River Bay).

WATERSIDE BOUNDARY

Beginning at the southwestern intersection of the Village of Sackets Harbor/Town of Hounsfield line and the mean high water line of Lake Ontario (Henderson Bay); thence northerly then easterly along the mean high water line, including Horse Island and its causeway, to the intersection of the Village of Sackets Harbor/Town of Hounsfield line at Mill Creek.

*NOTE: With regard to the maps in this LWRP document showing the original and proposed revision of the coastal area boundary, the proposed revision has been approved by the Secretary of State and therefore depicts the present coastal area boundary for the Village of Sackets Harbor.

Village of Sackets Harbor

Prepared and published in 1980 by the New York State Department of Transportation, in cooperation with the U.S. Department of Transportation, Federal Highway Administration.

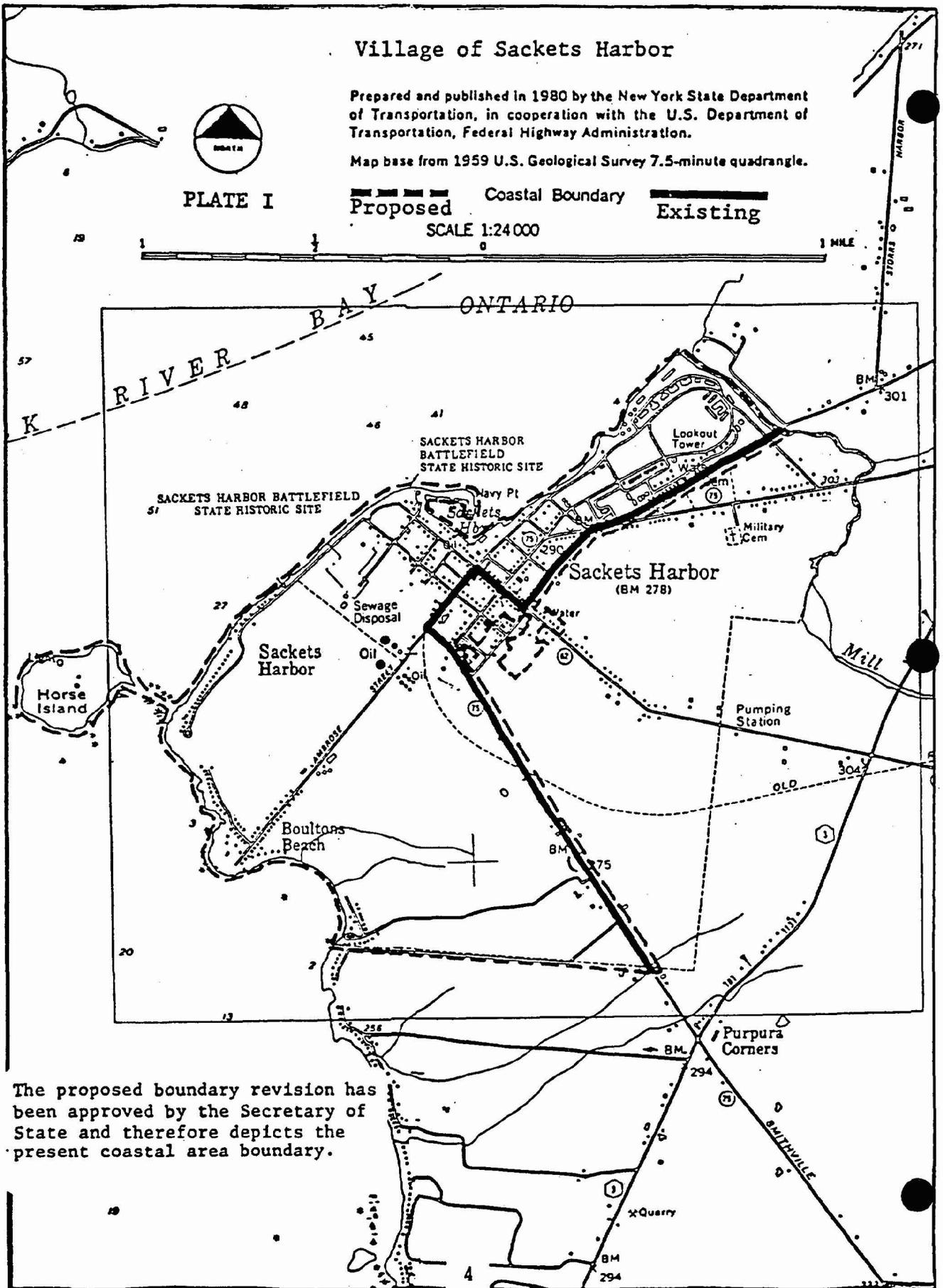
Map base from 1959 U.S. Geological Survey 7.5-minute quadrangle.

PLATE I

Proposed Coastal Boundary Existing

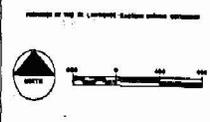
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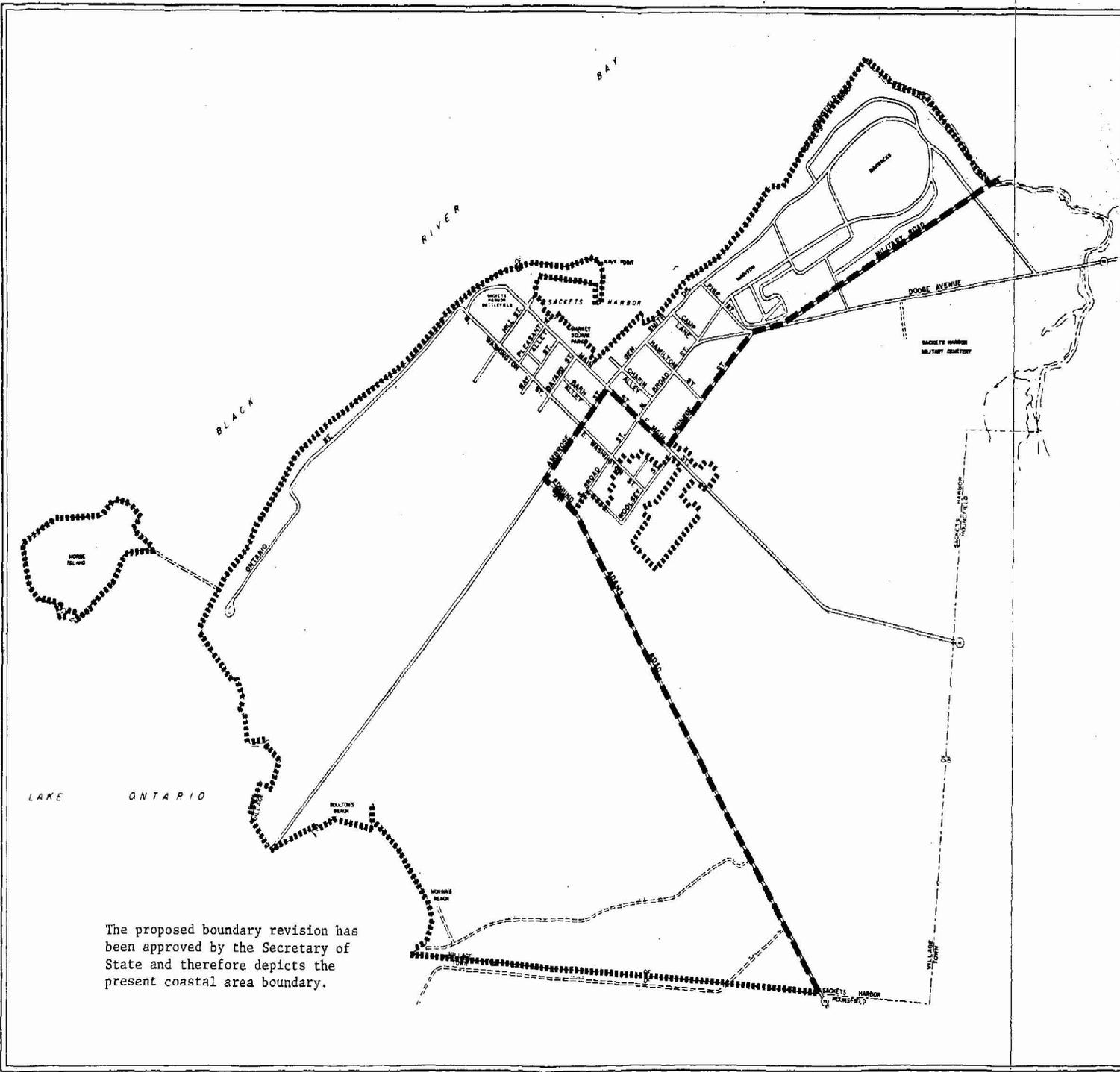
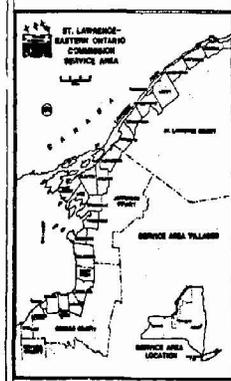


VILLAGE OF
SACKETS HARBOR,
NEW YORK

PLATE II



LEGEND
 --- Coastal Area
 - - - - - Proposed Coastal Area



The proposed boundary revision has been approved by the Secretary of State and therefore depicts the present coastal area boundary.

SECTION II
INVENTORY AND ANALYSIS

SECTION II -- INVENTORY AND ANALYSIS

This section briefly inventories and analyzes the coastal conditions upon which the Sackets Harbor Waterfront Revitalization Program is based. The most significant local resources are highlighted, since some (historic structures, for example) are more important to the village than others (e.g., vegetation). The discussion is divided into natural resources, cultural/public resources, land use, and economic activities.

I. NATURAL RESOURCES

A. Water Resources Inventory. The most obvious aquatic resource is Lake Ontario, which makes itself known locally as Henderson Bay (southwest shore), Black River Bay (northwest shore), and Sackets Harbor (central shoreline -- hereinafter referred to as "the harbor"). (See Plate III).

1. Henderson Bay. Although it extends well beyond the Village of Sackets Harbor, Henderson Bay's local shoreline is known as Boulton's Beach. The beach is used for swimming and private dockage. The village's water supply is obtained from the bay. The NYS Department of Environmental Conservation (DEC) has rated Henderson Bay's water as Class "A" (suitable for drinking). Except for commercial bullhead and perch fishing, other commercial uses of Henderson Bay in the vicinity of Sackets Harbor are nonexistent, due to the shallow water depth and exposure to westerly winds. The bay is primarily used for recreational boating and fishing. Waterfowl can also be found on Henderson Bay, especially during migration along the Atlantic flyway.

Analysis: Since the bay is the village's source of drinking water, the existing "A" rating of water quality is appropriate and should be maintained. The natural constraints which prohibit most commercial uses are a built-in protection, but should not be solely relied upon. New shoreline uses should be assessed for any potential impact on the water quality. (See D. Infrastructure, p.21).

2. Black River Bay. The Black River empties into Black River Bay 4 miles northeast of Sackets Harbor. Although once used for commercial shipping of petroleum to a storage and distribution facility in the village, the bay is presently used for boating, fishing, hunting and trapping. The channel through Black River Bay to Sackets Harbor is marked for navigation. A beacon on Horse Island is maintained by the U.S. Coast Guard as a navigational aid to boats entering the bay.

Black River Bay provides excellent habitat for diverse species of fish and waterfowl. DEC has rated the bay's water quality as Class "C" (suitable for fishing), which is believed appropriate. The village disposes the effluent from its sewage treatment plant into the bay.

Analysis: Although deepwater vessels can get direct access to the village shoreline in Henderson Bay (an abandoned oil tanker berth still exists), it is doubtful that this use will return to the area in the foreseeable future, due to the decline of commercial oil shipping. Recreational uses of the bay, however, are on the increase. Water quality and sewage outfall should be monitored carefully, since any changes are likely to affect the wildlife habitats and recreational enjoyment of the bay. Additional tie-ins to the municipal sewage system should not be granted, unless the treatment plant has adequate capacity for the additional load.

3. Sackets Harbor. The harbor, located in the heart of the village, is one of the finest deepwater ports-of-call on the New York side of Lake Ontario. It is approximately a day's sail from anchorage at Oswego, Kingston (Ontario), and the St. Lawrence River. Providing excellent refuge from storms, the harbor is intensively used for public, commercial, and private mooring and dockage. Although six commercial marinas already exist, demand for these facilities is increasing as the area's excellent fishery continues to grow. Ice fishing is a popular winter activity in and near the harbor. The harbor's water quality is appropriately labeled Class "C" by DEC.

Analysis: Although small in size, the harbor provides the basis for much of the village's recreation/tourism-related economy. To encourage this activity, public access to the harbor should be maintained. New development should be coordinated with an overall harbor development plan, to prevent conflicting uses and loss of the unique maritime identity.

B. Scenic Resources. In Sackets Harbor, visual characteristics should be addressed both from the water and the shore points of view.

By boat, three vistas can be identified. The first is the strategic location of Battlefield State Park atop rock cliffs, with its formal poplar trees and stone monument. The low-lying harbor area flanked by rocky bluffs is the second view. Historic landmarks form an interesting background for the harbor. Towards the east, the third vista consists of the building masses of Madison Barracks above the bluffs of Black River Bay. The stone observation tower and the water tower are navigational landmarks.

For the viewer on shore, the finest, most sweeping views of Lake Ontario and Black River Bay are from Battlefield State Park. From Navy Point, one can view marina activity and the backdrop of the harbor's eastern shore. The entire harbor can be seen from General Smith Drive and other public rights-of-way on the eastern shore. The bluffs of Madison Barracks overlook the full expanse of Black River Bay across to Pillar Point.

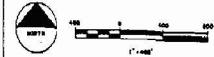
The wealth of historic structures in the village core and Madison Barracks, the focus of activity in the harbor and the general waterside setting have endowed Sackets Harbor with a unique visual character simply described, perhaps, as that of a 19th century coastal village with a strong military influence.

VILLAGE OF
SACKETS HARBOR,
NEW YORK

IMPORTANT LMRP AREAS

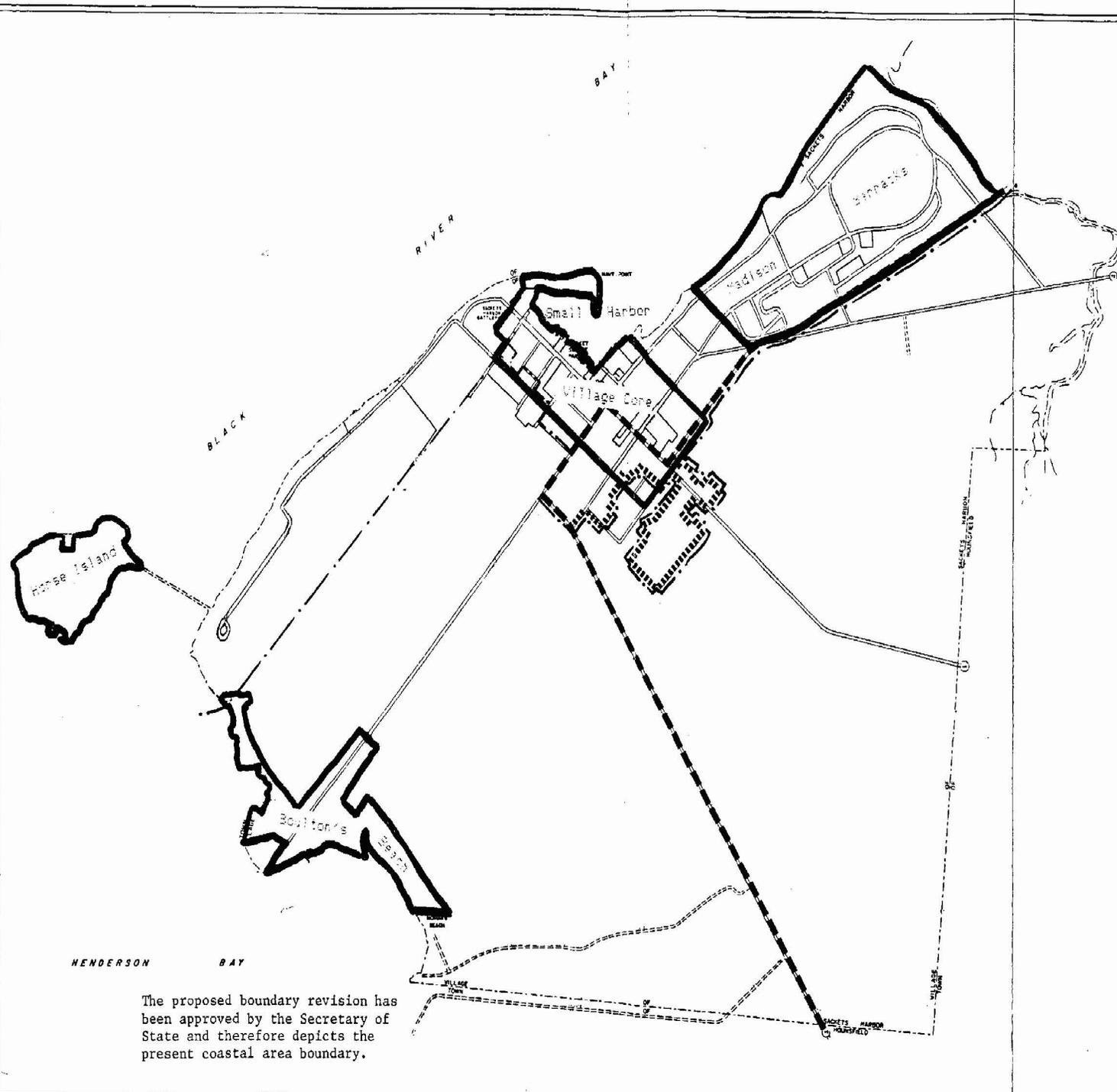
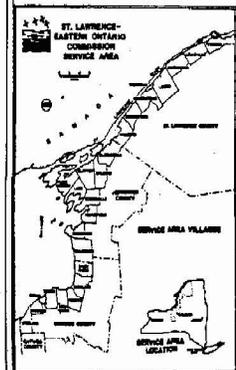
PLATE III

PREPARED BY THE ST. LAWRENCE-ONTARIO COMMISSION



LEGEND

- Coastal Area
- Proposed Coastal Area
- National Register Districts



The proposed boundary revision has been approved by the Secretary of State and therefore depicts the present coastal area boundary.

Analysis: Maintaining these waterfront views is important in Sackets Harbor, due to the village's economic reliance on tourism. In the past, some developments have clashed with the aesthetically pleasing appearance of the harbor and other waterfront areas. Further development should not block visual corridors and should be designed to harmonize with the character of the site. Whenever possible, development should be below or set back from bluffs, crests, or vista points, and should be designed to maintain or enhance the scenic quality of the waterfront. Preservation of the historic resources of the village (in conjunction with protection of the important vistas noted above) is almost synonymous with protection of visual quality and community character.

C. Wildlife and Vegetation. A variety of waterfowl can be found in the Henderson Bay/Black River Bay complex either during migration along the Atlantic flyway or as resident species. Included are Mallard, Black Duck, Green-wing and Blue-wing Teal, American Merganser, Canada Goose, Gadwall and Double-crested Cormorant. Many of these species nest or feed on Horse Island, which serves as a natural wildlife habitat located a few hundred feet west of the village's shoreline.

The fishery in Henderson Bay and Black River Bay includes good to excellent populations of Lake Trout, Chinook Salmon, Coho Salmon, Rainbow Trout (Steelhead), Brown Trout, Northern Pike, Smallmouth Bass, Yellow Perch, Brown Bullhead, White Perch, Pumpkinseed and Rock Bass.

The NYS Department of State, in cooperation with the NYS Department of Environmental Conservation, is in the process of identifying, through detailed mapping and analysis, coastal fish and wildlife habitats of statewide significance. Through this analysis, the presence of threatened and endangered species will also be documented. The mapping and analysis has not been completed for the St. Lawrence and Lake Ontario coastal area. Preliminarily, however, there do not appear to be any significant habitats or threatened or endangered species within the Sackets Harbor waterfront area.

The only forested area within Sackets Harbor's waterfront is on Horse Island. The former mainland forest was cut for shipbuilding, fuel, and potash in the 1800's. Vast acres of forest brushlands are found south of Ambrose Street, and give witness to the abandonment of many agricultural operations in this area within the last thirty years.

Analysis: The variety and relative abundance of waterfowl, fish populations as well as other wildlife in the Henderson Bay/Black River Bay complex, in the vicinity of Sackets Harbor, makes the bay complex an important and unique natural resource to the Village. In addition, the natural, relatively isolated condition of Horse Island makes it a unique resource to the village. Because the island is in private ownership its limited access may be appropriate to help ensure its maintenance as a unique local natural resource. Also, the water quality of the bay complex should be maintained so as not to adversely impact the fish and wildlife habitats offshore in the vicinity of Sackets Harbor.

D. Soils, Topography, Flooding and Erosion. Vergennes Clay soils are found in the northern waterfront area and on Horse Island. As indicated on the NYS Coastal Atlas, the area contiguous to Ambrose Street is prime agricultural soil. A mixture of silt loams, sandy loams and rock outcroppings is found in the Boulton's Beach area and southward.

The elevation of the village varies from 246 feet (MSL) at the lake shoreline to 305 feet (MSL) at the highest point. Topographic relief in the waterfront area is slight except at the land's edge where some shore elevations drop off sharply from 15 to 40 feet above the lake level. Limestone bluffs are found along the shore of Madison Barracks, General Smith Drive and along the northwest coast of the State Battlefield and adjacent village property. Three streambeds in the southwest area of the village and low-lying areas around the harbor/core area are the only other topographic variations in the waterfront.

The combined effect of low relief, loamy clay soils, and a seasonally high water table (during heavy rains or snow melt) poses surface water drainage problems for development in some areas. One poorly drained area of particular concern is the southwest portion of the waterfront, where municipal sewage treatment is unavailable. The high water table limits most on-site sewage disposal systems, as well. This includes the area around Boulton's Beach, where a considerable number of homes exist. Aside from this low-lying area, the village is relatively unaffected by shoreline flooding, due to its elevation. Inland flooding occasionally occurs along Mill Creek (beyond the waterfront boundary), due to storms or rapid snow melt, but it is short term in nature.

Analysis: Any additional development in the area of Boulton's Beach should have approved soil percolation tests before any permits are issued. This should prevent additional overloading of the soil with septic tank wastes. Although public sewers would be appropriate for this area, they are likely to be economically impractical. Alternative and innovative waste disposal systems may be critical.

Erosion is not a problem in Sackets Harbor, due to the limestone shoreline bluffs and relatively flat terrain elsewhere.

II. CULTURAL/COMMUNITY RESOURCES

A. Historic and Archaeological Resources. Of all of Sackets Harbor's cultural/public resources, the most significant are its historic sites and buildings. Historic resources are found in all parts of the waterfront area, from Madison Barracks to the Sackets Harbor Battlefield.

Not only does the village have three National Register historic districts within the coastal area, but it is also one of thirteen sites in New York designated as an Urban Cultural Park (UCP). The theme of the park is defense, due to the extensive military activity in the village from the War of 1812 until the Army's abandonment of the Madison Barracks complex at the end of World War II.

The three National Register historic districts are Sackets Harbor Battlefield, Sackets Harbor Village (the village core area), and Madison Barracks. Because these districts have contiguous boundaries, they are shown on Plate III and IVa as one large district encompassing most of the village's developed area. The districts are described more fully below.

(1) The Sackets Harbor Battlefield Historic District includes the Battlefield State Historic Site, the coastal area east of the Battlefield, and Horse Island. Managed by the NYS Office of Parks, Recreation & Historic Preservation, the State Historic Site has five historic structures which serve as reminders of the early defense of Northern New York. Closely related to the Battlefield is Horse Island. Here, British soldiers landed in 1813, crossed a breakwater to the mainland, and marched on the village, only to be repelled by the Americans. This battle is portrayed each year as a major tourist event.

(2) The Sackets Harbor Village Historic District is composed of the village core. As the region's largest settlement in the early 19th century, the village core served as a trading post for steamboats, a staging area for commercial shipbuilders, and quarters for military personnel. One hundred fifty-six buildings are included in the district's 71 acres. Notable examples of period architecture are the Union Hotel State (ca. 1817), the Pickering-Beach Historic Museum (ca. 1817), the Sacket House (ca. 1802), and the Camp Mansion (ca. 1816). Also within the district is Navy Point, a spot which protects the harbor from wind and waves. Now occupied by a marina, the point was once the United States' most important shipbuilding and naval base on Lake Ontario.

(3) The Madison Barracks Historic District boundary corresponds with its entire 100-acre namesake. Madison Barracks was an active army post from the War of 1812 through World War II. A few highlights of the site are earthwork remains of Fort Pike, part of Stone Row (the original barracks, ca. 1816), the stone observation tower, and the limestone hospital (ca. 1815). There are many of the significant structures among the 32 which remain standing on the property, but the site is considered more important in its entirety rather than for its individual elements. The entire site is under single corporate ownership. This owner has restored seven of the buildings in the past several years; the rest are vacant and in various states of repair. A new developer for the site is currently being sought.

The great majority of archaeological resources within the village's waterfront are presumed to date to the War of 1812 period. Although numerous artifacts have been unearthed during past archaeological investigations, they are undoubtedly a small portion of what remains buried at the various sites of early fortifications that had surrounded the village by the end of the war. Few Indian artifacts have been found despite the presence of either Oneida Iroquois or Onondaga Iroquois Indians in the area eventually delineated as Jefferson County.

Analysis: Madison Barracks is easily the most significant historic resource in the village. Unfortunately, development and restoration of

the site have been stalled in recent years due to financing problems. The architecturally significant buildings have continued to deteriorate to the point where restoration of some of them may not be economically feasible. Redevelopment of the site should be strongly encouraged; and when a developer and a plan are settled upon, permit procedures should be expedited. Redevelopment of the Barracks, however, must be sensitive to the architectural and historic significance of the buildings, and the potential archaeological resources of Fort Pike. Likewise, development proposals in other historic areas of the village should be scrutinized for potential impacts on the historic and architectural resources which give the village its unique character. The village's involvement in the Urban Cultural Park program further attests to the national, statewide, and local significance of historic resources within its waterfront. (For detailed information on the village's historic resources, the reader is referred to the Village of Sackets Harbor Urban Cultural Park Management Plan, February, 1985.)

B. Public and Semi-Public Facilities. The majority of the community facilities and services are found in the village core area, which is transected by Main Street, Washington Street, Broad Street, and General Smith Drive.

Beginning at the western end of West Main Street is the old Union Hotel, a State-operated museum and visitor center, while the nearby Sacket House is a village-owned visitor center. The Sacket House is part of Market Square Park (also referred to as Harborfront Park), which extends across Main Street and down to the harbor. This parcel provides the major means of public access to the harbor. Included are two boat launch ramps, dockage, waste disposal facilities, toilets, and showers.

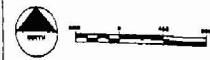
At the eastern end of West Main Street are a U.S. Coast Guard station, the village barn (in need of maintenance) and the Post Office. Outside of the immediate core area, the village's Municipal Building/Fire Department on Broad Street, the adjoining skating rink, rectories and churches on East Main Street (one of which contains a library), and the Firemen's Hall on West Washington Street all provide a number of cultural, educational, and recreational activities for both residents and tourists. Recently, the village acquired additional land behind the Municipal Building for recreational purposes. A play area for small children is proposed.

Most of these facilities provide public access and recreation opportunities related to either appreciation of the village's cultural heritage or enjoyment of its scenic vistas and coastal waters. Plate IVb, a blow up of the village core area and part of Madison Barracks, depicts the distribution of public access and recreation sites. Because of their contribution to overall recreational activity in the village, the Urban Cultural Park boundary and existing private marinas are noted. Potential sites are also noted.

Analysis: Like many old buildings owned by local governments, the Pickering-Beach Museum and the Sacket House are in need of interior and exterior repairs. Recent renovations have improved the Sacket House, but much remains to be done, including a new roof, chimney repairs, and

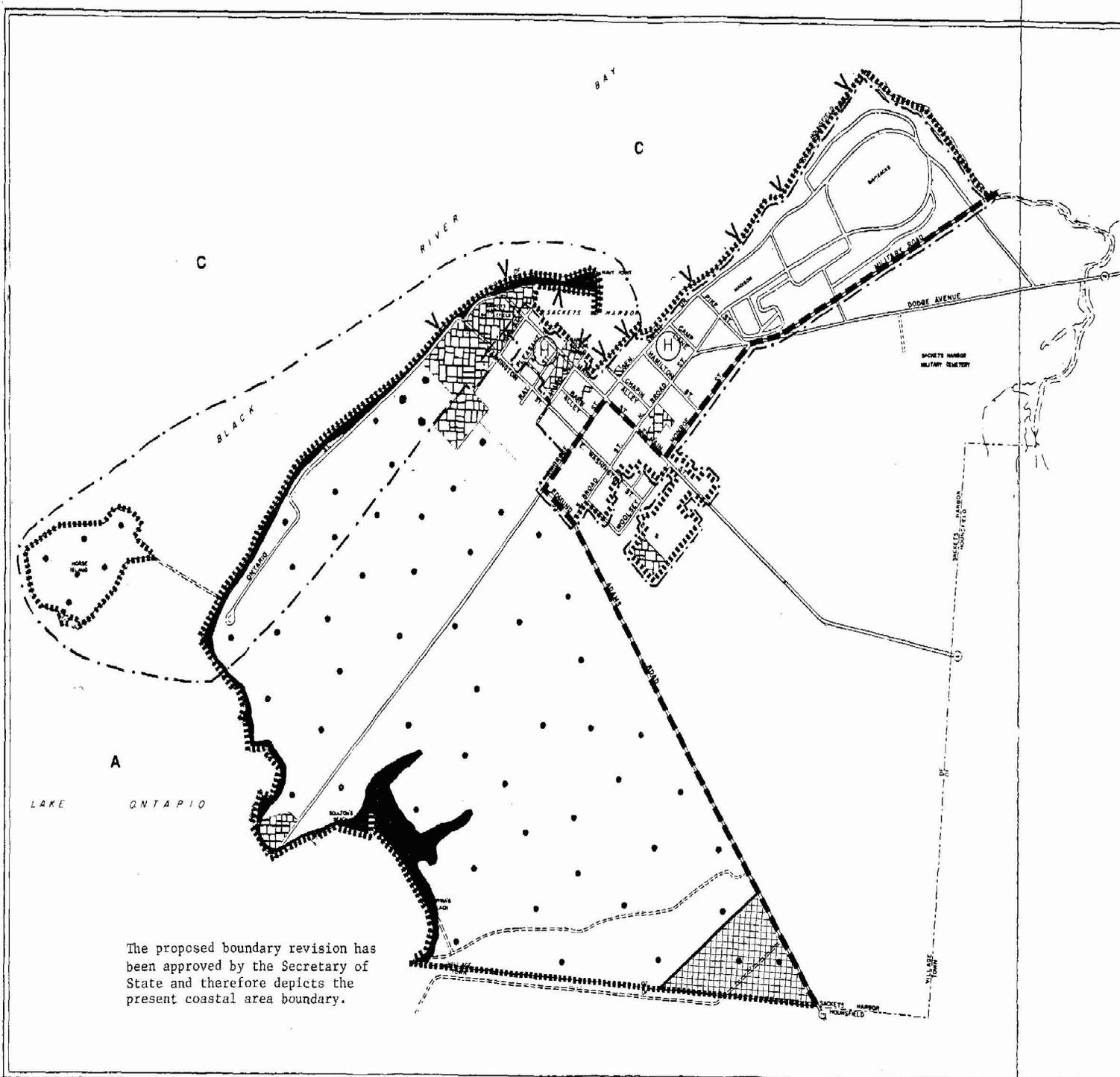
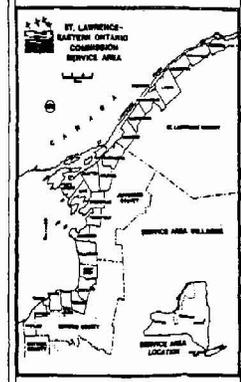
VILLAGE OF SACKETS HARBOR, NEW YORK

Development Considerations
PLATE IVa



LEGEND

-  Coastal Area
-  Proposed Coastal Area
- A** Water Quality
-  Flood Hazard Areas
-  National Register Structures
-  National Register Districts
-  Unsewered Areas w/ Soil Limitations
-  Public Lands
- V** Scenic vistas
-  Lands Within the Sackets Harbor Coastal Area that are Proposed for Inclusion in the Jefferson County Agricultural District No. 11



The proposed boundary revision has been approved by the Secretary of State and therefore depicts the present coastal area boundary.

EXISTING PUBLIC ACCESS AND RECREATION SITES

1. Sacket House Visitors Center
2. Market Square Harborfront Park with twin boat launches
3. Pickering-Beach Museum
4. Municipal Building/Firehall
5. Union Hotel Visitors Center and Museum
6. Sackets Harbor Battlefield State Park
7. Village open space triangle

 private marinas

POTENTIAL PUBLIC ACCESS AND RECREATION SITES

- ① Chapin Alley
- ② Firemen's Field
- ③ Fort Pike

-- UCP Boundary

VILLAGE OF SACKETS HARBOR, NEW YORK

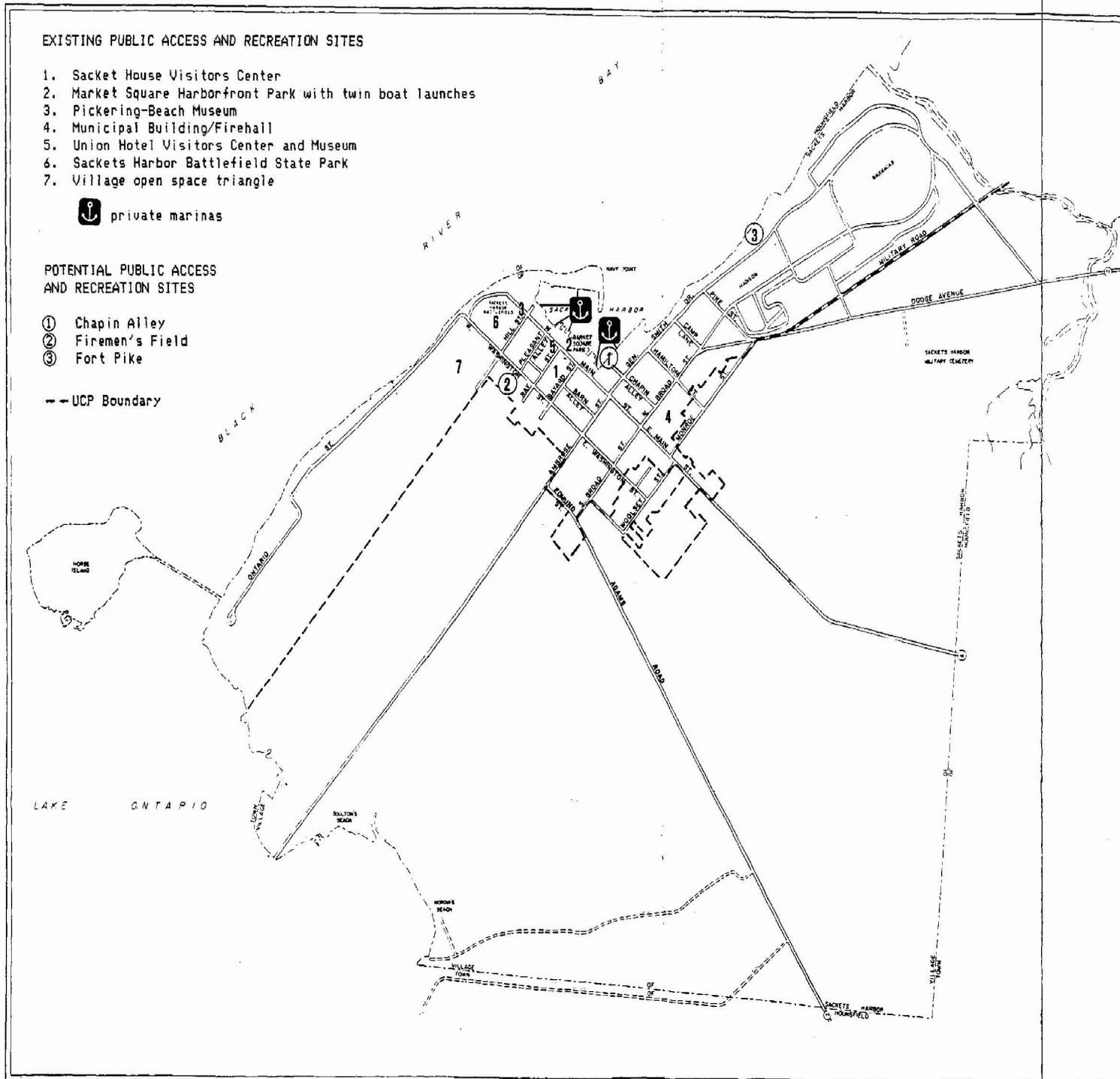
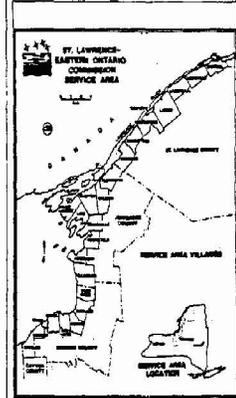
DEVELOPMENT CONSIDERATIONS

PART B

PROPERTY OF THE ST. LAWRENCE EASTERN ONTARIO COMMISSION



LEGEND



interior renovations. When completed, the Sacket House will be used as an information center and community recreation center.

The village's recent improvements to Market Square Park encourage public access to the harbor. Keeping and maintaining such public waterfront access areas is a key element in strengthening the village's tourism economy. Development proposals involving or in close proximity to publicly-owned waterfront parcels must address the potential impacts upon public access and recreational opportunities which may be foreclosed.

C. Commercial and Industrial Facilities. The only existing industrial facilities in the village are the tanker berth in Black River Bay, the oil tank complex, and the connecting pipeline. At the present time, this facility is receiving only minimal use. Some of the commercial buildings are vacant and in need of repair, while others have had modern alterations which are inconsistent with the historic character of most of the existing structures. The commercial facilities are primarily confined to the village core, and consist of a bakery, liquor store, ice cream parlor, laundromat, general store, antique shop, two restaurant-lounges, and two gift shops. Six commercial marinas along the harbor's edge provide boat rentals, launching, dockage, and repair services. A couple of the marinas have recently expanded their facilities.

Analysis: The oil storage complex will probably remain vacant for the foreseeable future due to the decline in oil tanker shipments. The mix of commercial facilities is indicative of the village's function as a bedroom community and a recreational boating center for residents and tourists alike. Noticeably lacking are overnight accommodations for visitors and a bank -- or at least a branch banking office.

D. Infrastructure. The Village of Sackets Harbor obtains its municipal water supply from Lake Ontario through an intake located 1600 feet offshore near Boulton's Beach. Water is filtered and chlorinated at the treatment plant onshore. Originally built in 1938, the plant was upgraded and renovated in the summer of 1983. Serving residential and commercial uses in the Boulton's Beach area, the village core and Madison Barracks, the distribution system is made up of 6-, 8- and 10-inch water mains and is approximately fifty years old. The village has a total storage capacity of 250,000 gallons.

The municipal sewage treatment facilities serve the village core area and Madison Barracks. Areas not served include residents and cottages at Boulton's Beach and Gilmore Shores on Ontario Street and lands generally south and southwest of the village core. Located to the south of Battlefield State Park, the sewage treatment plant has secondary treatment plant and discharges into Black River Bay offshore from Ontario Street. Depending on the season, normal loading of the treatment plant ranges between 100,000 and 150,000 g.p.d. representing an average use of less than 10% of the plant's 1.5 million g.p.d. design capacity. Each year that heavy spring rains coincide with March thaws, the plant's capacity is reached or exceeded for a short period (up to a week) due to a high ratio of infiltration in the village's sewer system.

Solid waste disposal is handled by individual village residents or their private collectors. All solid waste from the village is transported to the sanitary landfill in the Town of Hounsfield outside of the coastal area.

Major roads serving the village are Interstate 81 (10 miles to the east), NY Route 3 (1 mile east), and NY Route 180 (1 mile north). The village is also conveniently located 5 miles from the Watertown International Airport. Main, Broad, and Washington streets and General Smith Drive constitute the principal traffic corridors within the village. The remaining streets carry low volumes of local traffic.

Analysis: The village has excess water and sewer treatment capacity for anticipated future growth. The unsewered area around Boulton's Beach, however, is a problem which will continue as more cottages are converted to year-round occupancy. The option of extending a sewer main from the village core area has been discarded, due to the distance of this remote site from the existing system. Construction of a communal septic system has been proposed as an alternative. Until adequate sewage provisions are in place, development in the Boulton's Beach area should be discouraged.

One public right-of-way, known as Chapin Alley, is significant in that it provides some public access to the southern corner of the harbor. For boat launching, this location is preferred over the harbor-front park ramps on the west side of the harbor. The latter area is sometimes impractical due to its exposure to high winds and storms from the northeast. Currently, the alley is overgrown and only partially paved (which contributes to runoff and siltation of the harbor). General landscaping and road surface improvements would improve the situation and would allow for marine-related redevelopment of an adjacent, underused warehouse, pier, and vacant railroad depot. The alley will only support limited use by the public, however, until additional areas for parking are acquired by the village.

III. LAND USE (Plate V)

(1) Boulton's Farm and Southwest Waterfront Area. This area is generally characterized by a mixture of residential, agricultural, and partially inactive industrial uses. Horse Island, however (just off the southwestern shoreline), is devoid of any active land use with the exception of a navigation beacon maintained by the U.S. Coast Guard (this federally-owned parcel is exempted from the village's LWRP). As noted previously, the rest of the island is a natural habitat for waterfowl.

Single-family homes and seasonal cottages are found along the waterfront northwest of Ontario Street (Gilmore Shores) and at the southern end of Ambrose Street (Boulton's Beach). Drainage and sewage concerns in the latter area have been discussed. In addition, some of the cottages and homes show signs of deterioration.

Closer to the village center is the industrial zone, which contains the oil storage facilities described previously.

Acting as a buffer between the industrial area and the shoreline cottages is Boulton's Farm. Although not significant enough to warrant a special agricultural district, the farm is a stable, continuing land use.

Analysis: To revitalize the residential area of Boulton's Beach, a combination of public and private efforts will be required. In addition, sewage disposal problems must be solved before additional development is permitted.

The partially unused oil tank complex is noteworthy only as an indicator of the declining significance of industry in the village. The agricultural land use is expected to remain stable.

(2) Village Core. As the oldest part of the village, the core area includes single-family homes and most of the commercial, public and semi-public facilities described earlier. Several of the core area's commercial structures have residential uses on the upper floors.

Uses along the harbor's edge consist of a mixture of public and private dockage, mooring areas, and boat launching facilities. Public access to the harbor may be taken at Market Square and Chapin Alley.

Analysis: The condition of several of the older buildings in the core area indicates the need for a commercial/residential rehabilitation program in this area. Recently, local historic district zoning was adopted by the village for much of the core area. If adhered to, these regulations should prevent incompatible development in the future.

As noted elsewhere, maintenance of public access to the harbor is important due to the relatively small size of the harborfront and the pressures for more private marina facilities.

(3) Madison Barracks. The historic significance of Madison Barracks was covered earlier. Seven of the buildings have been renovated and are in use as apartments, while an eighth is a successful restaurant and lounge. The remaining structures are vacant and many are badly deteriorated.

Analysis: Given its vast grounds, its attractive shoreline location, and the historic/architectural significance of the buildings, Madison Barracks has the potential to be the most significant, valuable piece of private property in the entire village. Any development plans must address the 100-acre site in its entirety (rather than piecemeal), and should be sensitive to the property's scenic and historic qualities.

LAND USES

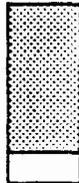
Agriculture



{ Ac - Cropland
Ap - Pasture
Ax - Other Agriculture

A - Inactive

Residential



{ Rr - 1 B 2 Family
Rm - 3 or More (Multi-family)

R - Vacant

Commercial



{ Cc - Retail Trade
Cr - Recreational
Co - Office & Non Retail
Cs - Other Commercial

C - Vacant

Industrial/Extractive



{ Il - Light
Ih - Heavy
Is - Industrial Storage
Io - Other Industrial
Iq - Stone Quarries
Ie - Sand & Gravel Pits
Ia - Other Mining

I/E - Vacant

Public/Semi-Public



{ Pg - Government Services
Pe - Educational
Pr - Recreational
Ps - Semi-Public

P - Vacant

Transportation/Utilities & Communications



{ Ta - Airports
Tr - Railways
Tw - Water Transport
Tt - Other Transportation
Te - Electric Gen./Dist.
Tg - Gas & Oil Transmission
Tq - Water Treatment
Tu - Solid Waste Management
Ts - Other
T/U - Vacant

Forest



{ Fh - Forest
Fb - Forest Brushland
Fp - Forest Plantation

Wetlands



{ Wp - Public/Recreational
Ws - Other

Non-Productive Lands



{ Ns - Sand & Beach
Nr - Exposed Rock Cliffs

WATER USES

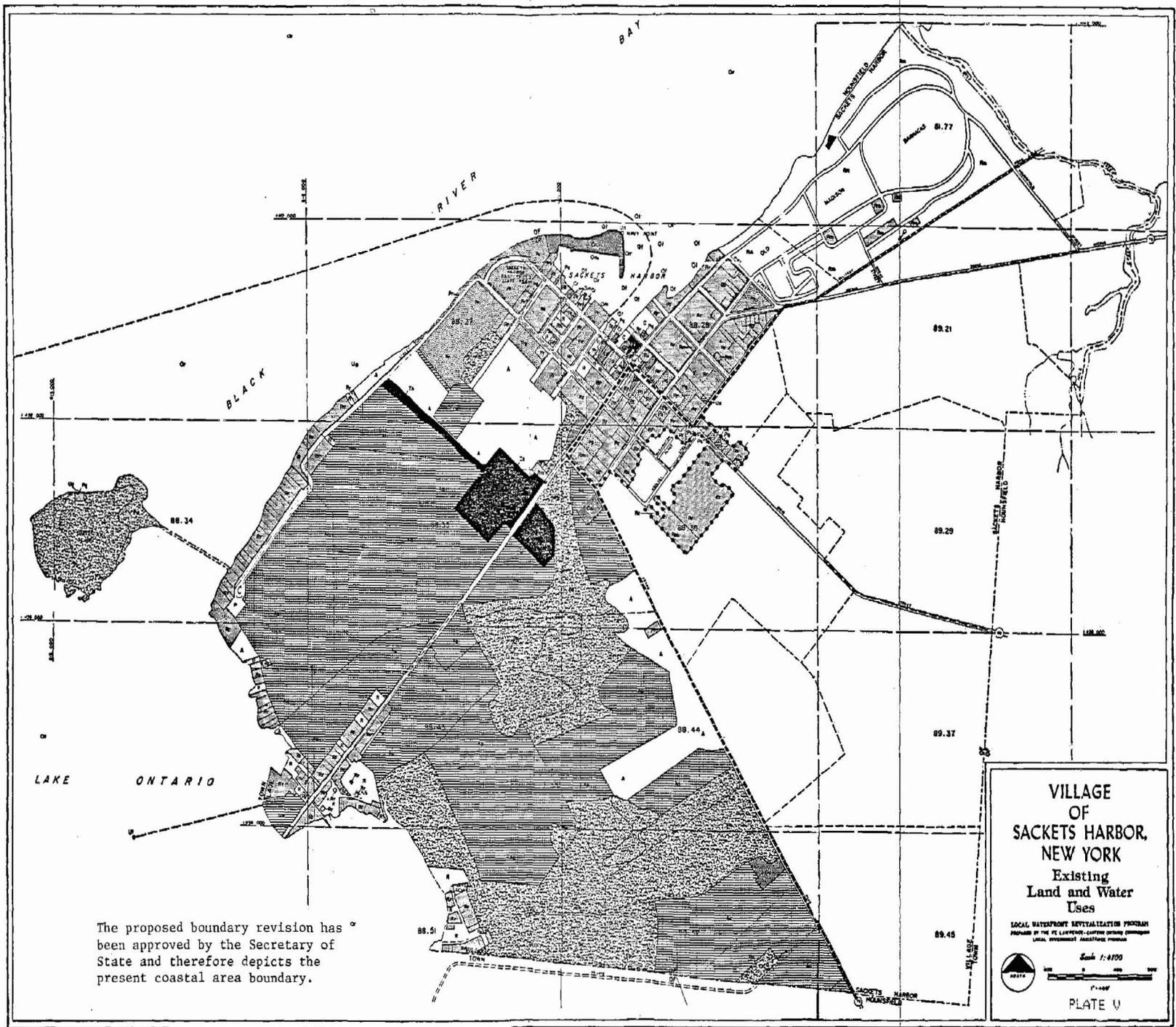
Ry - Residences Over Water	Ts - Shipping
Or - Boating	Un - Navigation Aides
Om - Mooring & Dockage	Uu - Underground Cables
Of - Fishing	Up - Oil and Gas Pipelines
Ow - Swimming	Ud - Spoil Disposal Areas
Ok - Water Skiing	Uo - Sewer Outfalls
Tf - Ferry	Ui - Water Intakes



N.Y.S. Coastal Area Boundary



Proposed Additions To Area Boundary



The proposed boundary revision has been approved by the Secretary of State and therefore depicts the present coastal area boundary.

**VILLAGE
OF
SACKETS HARBOR,
NEW YORK**

**Existing
Land and Water
Uses**

LOCAL WATERFRONT REVITALIZATION PROGRAM
PREPARED BY THE PLANNING-CORPORATION CONSULTING ENGINEERS
LOCAL GOVERNMENT ASSISTANCE PROGRAM

Scale 1:4700

1"=470'

PLATE V

IV. IMPORTANT ECONOMIC ACTIVITIES

The most important economic activities in Sackets Harbor are related to tourism and marine recreation. The recent establishment of three gift/antique shops and the growing number of attendees for the annual 1812 pageant are indicative of the tourism potential. Few overnight accommodations are currently offered, and they are typically full during the summer season due to occupancy by year-round or seasonal residents. In addition, the harbor is undergoing rapid development by marina interests. The Navy Point Marina has recently invested some \$500,000 in refurbishing its facilities for yachts, cruisers, and sailboats. Included are open slips, covered storage, mooring areas, a large boat hoist, and a ship's store. On the southeast side of the harbor, a permit has been granted for the development of 3 piers with 76 slips at the site of a former warehouse. Additional permit requests for other marinas are anticipated.

A regional conference center, country inn, and performing arts center are among the proposals for Madison Barracks. A new developer for the site is currently being sought.

Analysis: A few vacant buildings and sites remain in the village for conversion to motels, shops, restaurants, and the like. Economic revitalization of the village and rehabilitation of specific sites within it -- especially Madison Barracks -- will allow for an expansion of current economic activities and could establish construction/restoration as a major part of the village's economic base.

For the harbor, a development plan is needed. Although it is congested at peak times, the harbor has much potential for future development if properly planned. Orderly development of marine recreation and service facilities is imperative to maintain public access to the harbor, to prevent over-commercialization, and to prevent conflicting uses in this small harbor.

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

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State Coastal Policies Not Applicable to the Local Waterfront Area

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

Policy	3	Major Ports	37
Policy	7	Significant Fish and Wildlife Habitats	41
Policy	10	Commercial Fishing	43
Policy	15	Mining, Excavation and Dredging	45
Policy	24	Scenic Resources of Statewide Significance	54
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*Federal agencies should refer to the New York State Coastal Management Program and Final Environmental Impact Statement for the text of this policy. In addition, the text has been included in Appendix B.

SECTION III -- WATERFRONT REVITALIZATION PROGRAM 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 Restore, revitalize and redevelop the core area for commercial, cultural, residential, recreational, and other compatible uses.
- Policy 1B Support the unified development of the Madison Barracks complex.
- Policy 1C Maintain and improve publicly-owned lands and buildings to improve the atmosphere for private investment.
- Policy 1D Promote the maintenance and improvement of housing stock throughout the village waterfront area.

Explanation of Policies

All government agencies (local, State and federal) must ensure that their actions further the revitalization of the village waterfront area. The transfer and/or purchase of property; the construction of a recreational facility, office building, road or park; revision of the zoning law; the provision of tax incentives, grants, or loan subsidies; establishment of an urban cultural park or a waterfront revitalization program are all examples of governmental actions for spurring economic development. When any such action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

The revitalization of the once dynamic waterfront is a most effective means for encouraging economic growth without consuming valuable inland open space. Redevelopment of the existing waterfront area is less costly than providing public services to areas not previously developed (see Policy 5). In view of the historic setting of the waterfront, redevelopment efforts must be scrutinized for their compatibility with surrounding sites (see Policies 23, 24 and 25). Special consideration must be given to expanding public access through the redevelopment process in this waterfront program (see Policy 19).

In addition to the opportunities in the core area, Madison Barracks has major potential for redevelopment. Any proposal for redevelopment of Madison Barracks shall be particularly reviewed for a unified use of the entire site, as well as its compatibility with adjoining areas.

To encourage the improvement of privately-owned parcels, the village must first maintain and improve its own publicly-held properties (e.g., the Sacket House, the village barn, Chapin Alley). The village will seek outside sources of funding for these improvements.

Redevelopment of the waterfront is expected to be effective in rejuvenating and stabilizing the residential areas adjacent to the waterfront redevelopment area. The village will encourage a combination

of public and private investment to improve the existing housing stock, not only in the core area, but in outlying areas such as Boulton's Beach.

When a direct federal, State or local government action is proposed which will impact a waterfront area identified as suitable for development or re-development, the following guidelines will be used:

- a. Priority should be given to uses which are dependent on a location adjacent to the water;
- b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable tourism development;
- c. The action should serve as a catalyst to private investment in the area;
- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, the historic district amendments to the village zoning law will require rehabilitation and new construction to be compatible with historic architecture and archaeological sites;
- e. The action must lead to development which is compatible with the character of the area as required by the zoning law, with consideration given to scale, architectural style, density, and intensity of use;
- f. The action should have the potential to improve the existing economic base of the community, and at a minimum, must not jeopardize this base. For example, waterfront development meant to serve industrial needs would be inappropriate in an area where no increased industrial demands were expected and existing development was already meeting demand;
- g. The action should improve adjacent and upland views of the water, and, at a minimum must not affect these views in an insensitive manner;
- h. The action should improve the potential for multiple uses of the site.

If a State, federal, or local government action is proposed to take place outside of a given deteriorated, underutilized waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized area 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 Encourage development of the core area harborfront in accordance with a unified harborfront development and harbor management plan.

Explanation of Policies

There is a finite amount of waterfront space suitable for development purposes. Although demand for a specific piece of property will vary with economic and social conditions on both a village-wide and State-wide basis, long-term expectations are for increased demand for waterfront property.

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 that such "water-dependent" uses can continue to be accommodated within the village, government agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, government agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following uses and facilities are considered water-dependent.

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, hunting, trapping and boating);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, hunting and trapping);
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: fish processing plants);
8. Scientific/educational activities which, by their nature, require access to coastal waters (for example: water resource nature centers, submerged archaeological sites); 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.

Along with encouraging water-dependent harborfront development, the village will work towards the creation of a unified harborfront development and harbor management plan. This plan is needed to control potential development in the small, intensely used harbor area.

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., parks, restaurants, hotels and other tourism accommodations). Targeted areas for expansion or new development of such uses include Madison Barracks, the core area, and the area southwest of Battlefield State Park.

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

Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. Therefore, the village will only promote development which is within or adjacent to a built-up area and does not catalyze sprawl into unserved areas.

In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors: (a) the availability of public sewers, public water lines and adequate power supply and (b) vehicular and air travel access if tourism is to be accommodated.

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. Water-dependent uses must also be sited so as to avoid adverse impacts on Horse Island and its surrounding waters. Affirmatively, all government agencies are encouraged to promote water-dependent development which will complement the historic resources and community character in the village core area, near the Battlefield State Park and within Madison Barracks.

A primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State agencies and the village should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

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

1. Favored treatment to water-dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, and public transportation within areas suitable for water-dependent uses.
2. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to water-dependent uses, especially those sponsored by community groups when possible through outside assistance.
3. Where possible, consideration should be given to providing water-dependent uses with grants, loan guarantees, or loans at below market rates. Local actions, including property tax abatements and tax increment financing should be considered.
4. State and local planning and economic development agencies should actively promote water-dependent uses. In addition, a list of sites available for non-water-dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local, State and federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses. This effort should begin with a memorandum of understanding between the village, NYS Department of Environmental Conservation, and the Army Corps of Engineers regarding the limits of piers, moorings, etc. and, conversely, maintenance of a navigational channel (in keeping with their respective authorities).
6. Local land use controls should be considered as a tool of local government for assuring adequate space for the development of water-dependent uses and the protection of sensitive areas.

POLICY 3 NOT APPLICABLE

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

Explanation Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of local, State and federal agencies shall center on promoting such desirable activities as recreational boating and fishing, public access sites, marinas, historic preservation, cultural pursuits, and other compatible activities which have made Sackets Harbor appealing as a tourist destination in both its commercial and residential areas. Particular consideration will be given to the visual appeal, history and recreational benefits of the village's harbor which, in turn, can make significant contributions to the State's tourism industry.

Because recreational boating and its related businesses are the major activities in the harbor (upon which the local economy is based), these uses will be protected and encouraged. New developments will be reviewed for any potential conflicts with these uses (the need for an overall harbor development plan has already been noted under Policy 2A). In addition, existing public access areas and boat launch ramps along the harbor must be maintained if recreational boating is to thrive here (see Policies 19 and 20 for public access provisions).

The following guidelines shall be used in determining consistency:

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.
2. The action will enhance or not detract from or adversely effect 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.
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 Encourage compatible development to locate in the historic village core area where public facilities are adequate.

Policy 5B Encourage development which would not be suitable in the historic area to locate southwest of the core area, in close proximity to streets, sewer lines, and water supply.

Explanation of Policies

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

The above policies are intended to accomplish the following:

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

In Sackets Harbor, the area of concentrated development, where infrastructure and public services are adequate, is well defined. Aside from dead-end roads leading to seasonal cottage communities, the road network is most developed in the core area. Water mains extend from the intake plant to cover the core area and Madison Barracks only. Sewer lines extend throughout the core area only. Sewer connections to Madison Barracks could be readily accomplished. All outlying areas are recognized as requiring major capital investments before suitable public facilities can be provided.

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

- a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
- b. 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.

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

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

Policy 6A Expedite permit procedures in the harbor area by conformance to a memorandum of understanding between the Army Corps of Engineers, the NYS Department of Environmental Conservation, and the Village of Sackets Harbor.

Explanation of Policies

For specific types of development activities and in areas suitable for such development, the 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 village's 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.

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

In accordance with the village's zoning law, an applicant will advise the village clerk of an intended action and the clerk shall notify the building inspector/enforcement officer. The building inspector shall make a preliminary determination as to which local permits are required, if any, and will instruct the applicant as to the appropriate forms to file. Certain development proposals involving the village's coastal area, including such comprehensive programs as this Local Waterfront Revitalization Program and the Urban Cultural Park program, shall be reviewed by the planning board.

To simplify permit procedures and to clarify the question of jurisdiction within the harbor, the village (site plans) will develop an overall harbor plan in consultation with the Town of Hounsfield, the NYS Department of Environmental Conservation (piers, wharves, filling or excavation), Corps of Engineers (federal projects), NYS Office of Parks, Recreation & Historic Preservation (historic significance), the NYS Department of State (consistency) and St. Lawrence-Eastern Ontario Commission (general review).

FISH AND WILDLIFE POLICIES

POLICY 7 NOT APPLICABLE

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 EFFECT ON THOSE RESOURCES.

Explanation of Policy

Hazardous wastes are unwanted byproducts of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law §27-0901.3 as follows:

"Hazardous waste means a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

b. 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 (6 NYCRR Part 371) has been adopted by DEC.

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 bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

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

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

Explanation of Policy

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

Lake Ontario, in the vicinity of Sackets Harbor, provides an exceptional fishing resource. Demand for access to this resource has increased greatly in the last few years due to stocking programs operated by DEC to promote the lake fishery. The Village of Sackets Harbor will continue to cooperate with government agencies to expand recreational use of these resources while ensuring their protection.

The village's cooperative efforts with DEC, NYS Office of Parks, Recreation & Historic Preservation and other public and private groups will involve the expansion of public access to, and recreational use of the Black River Bay and Lake Ontario and its related fish and wildlife resources. Such efforts will focus on expanding boat launching, mooring and docking capabilities in the harbor without overburdening its essential functions.

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

POLICY 10 NOT APPLICABLE

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 were identified and mapped in Sackets Harbor by the Federal Insurance Administration and are subject to village flood control regulations. In such areas identified, no structure will be permitted that is in violation of local flood control regulations (including mobile homes). (See Appendix A.)

Erosion: (Not Applicable). NYS Department of Environmental Conservation (DEC) is required by Section 34-0104 of Article 34, Environmental Conservation Law, to identify Coastal Erosion Hazard Areas (CEHA's). However, based on existing information, it is unlikely that the Sackets Harbor coastal area will have CEHA's warranting the adoption of CEHA regulations at any level of government. If it is found otherwise, the village will review the local program at that time and comply with or supplement policies and regulations as needed. It should be pointed out that erosion is not a problem in Sackets Harbor, as explained on page 14 of Section II.

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

Explanation of Policy

Beaches, bluffs, and other natural protective features in Sackets Harbor help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized.

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.

Explanation of Policy

Erosion protection structures are used in Sackets Harbor (at the water filtration plant and at Gilmore Shores) and throughout the State's coastal area. Sometimes, because of improper design, construction, and maintenance standards, many such structures fail to give the protection they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

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

Explanation of Policy

Flood control policies for development are covered under Policies 11 and 12. Erosion has not been identified as a significant problem in the village (see Explanation of Policy 11). The possibility exists, however, that lakeshore erosion control structures could be reconstructed in which case this policy discourages improper construction or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands and therefore increase recession rates.

POLICY 15 NOT APPLICABLE

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

Explanation of Policy

As noted in the explanation of Policy 11, Coastal Erosion Hazard Areas have not been identified in Sackets Harbor, nor is any such designation likely, given the relative stability of the limestone coastal bluffs. While no additional erosion control structures are expected, existing retaining walls could require repair or reconstruction in the future. Therefore, to carry out this policy, the public benefits and costs shall be carefully considered before expending public funds on reconstruction of such structures.

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.

Explanation of Policy

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

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

In determining whether or not nonstructural measures to protect against 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 by the siting of buildings outside the hazard area; and (b) the elevation of buildings above the base flood level.

Erosion: Not Applicable (see explanation under erosion portion of Policy 11).

GENERAL POLICIES

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 cultural resources and shoreline environment of the Village of Sackets Harbor which contribute to social, environmental, and economic interests, proposed major actions in the local waterfront area must give full consideration to the area's valuable coastal resources 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 village have established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that could affect natural resources, water levels and flows, shoreline damage, hydroelectric power generation and recreation. Furthermore, proposed actions must recognize the nature of Sackets Harbor'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.

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 this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites. The Local Waterfront Revitalization Program will encourage mixed use areas and multiple use of facilities to improve access.

The particular water-related recreation resources and facilities which will receive priority for improved access in Sackets Harbor's waterfront are fishing areas, boating facilities, access roads and passive/active recreational parks. To optimize the use of these resources, the village must facilitate various modes of access, including pedestrian, vehicular and waterborne with particular emphasis on handling short term peaks in demand for parking during major events.

The following guidelines are to be used in determining the consistency of a proposed action with this policy and Policies 20 and 21:

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 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.
 - c. Impacts of peak parking demand in relation to the supply of available parking spaces.
3. No government agency will 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.

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

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location.
- 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.
- 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 prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

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.

Explanation of Policy

Sackets Harbor is endowed with shoreline and near-shore properties owned by the public and available for public use. Some of these lands are state property; others are municipal property. The village intends to improve docking and launching facilities at Market Square and Chapin Alley and promote passive recreation sites at Madison Barracks and at Firemen's Field. There is also a need to prevent encroachment upon the public holdings by the adjoining private developments. The village shall take into consideration any adverse impacts which might result from potential development of property adjacent to the public's domain.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater (in the Town of Hounsfield) 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, the preservation of historic or archaeological resources, or the protection of significant habitats.

To be consistent with this policy, the existing level of public access within public coastal lands or waters shall not be reduced or eliminated (a "reduction in the existing level of public access" is defined under Policy 19).

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

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.

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

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

This policy would be implemented, in part, by the "Harbor Walk" as proposed in the Sackets Harbor Urban Cultural Park Management Plan. Protection of public access to the waters of Lake Ontario is afforded, in part, by village ownership of Market Square and several public rights-of-way to the water's edge, by state ownership of Battlefield State Park, and by federal jurisdiction over a channel within the harbor originally demarcated for a dredging project. Such publicly-owned properties are to be maintained and improved in accordance with Policies 1C and 2B.

RECREATION POLICIES

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

Explanation of Policy

See public access discussion under Policies 19 and 20, and water-dependent use discussion under Policy 2 -- particularly the references to water-dependent recreation in Item #2, page 35 of Policy 2 explanation.

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 Redevelopment and new development in the village core and Madison Barracks will provide for water-related recreation and both active and passive public access to the shoreline as a multiple use when such multiple use is compatible with the purposes of the development or redevelopment.

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. 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.

Prior to taking action relative to any development, government agencies should consult with the village in accordance with SEQR and, in some cases, the Uniform Procedures Act to determine appropriate recreation uses. The agency should provide the village with the opportunity to participate in project planning.

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

If the anticipated commercial redevelopment occurs (Madison Barracks and core area improvements), public access and recreation opportunities will be required, where practical and consistent with this policy, through local approval processes.

HISTORIC AND SCENIC RESOURCES POLICIES

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

Explanation of Policy

The Village of Sackets Harbor is endowed with a wealth of buildings, sites, structures, and areas which have significant and unique historic, archaeological, and architectural value to the community and its heritage. These resources within the Sackets Harbor Waterfront Area are those within the three historic districts listed on the National Register of Historic Places, including structures within these districts that are individually listed on the National Register and archaeological resources (see Section II, pages 14-16 for further description.)

This endowment of historic value contributes educationally, culturally, and economically to the character of the village and the general welfare of the public. It is matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of Sackets Harbor, the State and the Nation.

The purposes of this policy are to:

- effect and accomplish the preservation of such improvements and of districts that represent or reflect elements of the village's cultural, social, economic, political, and architectural history;
- safeguard the village's historic, military, and cultural heritage, as embodied and reflected in such landmarks and historic districts;
- stabilize and improve property values;
- foster civic pride in the beauty and noble accomplishments of the past;
- protect and enhance the village's attraction for residents, tourists, and visitors, to serve as a support and stimulus to business;
- strengthen the economy of the village; and
- promote historic districts and landmarks for the education, pleasure and welfare of the people of the village.

The following guidelines are to be used in determining the consistency of a proposed action with this policy and its purposes.

1. This policy does not require any property owner to make any exterior changes to his structure(s). The provisions herein shall apply only to new actions proposed by an owner of a property or the owner's agent.
2. Regulated Activities.

In order to accomplish its purposes, this policy regulates the following activities:

- a. Exterior maintenance, alteration, other than windows and doors, demolition or relocation of historic buildings or structures in the historic district, which would be detrimental to their historic value or the historic value of nearby buildings, structures, sites or areas.
- b. Intrusion by new non-historic buildings or structures whether by new construction or relocation, and substantial alteration of existing non-historic buildings or structures which may be incompatible with existing buildings, structures, sites or areas in terms of style, size, color, materials or general appearance.
- c. Other non-structural activities on or adjacent to historic properties including blasting, tunneling, trenching, and other excavation, filling, grading, paving, fencing, and landscaping, lighting, and signage which by their nature may threaten or detract from the value or character of historic buildings, structures, sites or areas.

3. Exempted Activities.

The following activities are specifically exempted from the provisions of this policy:

- a. Repair or maintenance work on historic structures where such work does not duplicate existing conditions but is essential as a temporary measure for the protection of the historic property from damages or the threat of impending damage due to weather, fire, flood or other unsafe or unsanitary conditions. Exemption for such temporary measures shall expire after a period of six (6) months from the date the measures were undertaken. Two (2) extensions of three (3) months each for the exemption period may be permitted, when seasonal weather conditions, unavailability of materials, or labor or financial limitations warrant extension.
- b. Minor non-structural activities on or adjacent to historic properties consisting of:

- (1) tunneling, trenching, and other excavation, filling, and grading which do not involve the operation of heavy machinery or equipment;
 - (2) new paving, fencing, landscaping or lighting when in conformance with a site plan which has been determined to be consistent with the LWRP.
- c. Placement of up to two (2) temporary special event signs. These signs may advertise events, activities or other similar instances that will be terminated on a set date. Yard sales and similar on-lot sales shall be considered temporary activities. Such signs shall be removed at the end of the event by those who placed the sign(s).
 - d. Repainting a structure.
4. Given the possibility of archaeologically significant sites within the Village's historic districts and waterfront areas, agencies must contact the State Historic Preservation Office to determine appropriate protective measures to be incorporated in the development process.

POLICY 24 NOT APPLICABLE

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

Policy 25A Protect and enhance locally significant vistas to and from the harbor area and the bluffs at the Battlefield State Park and Madison Barracks.

Policy 25B Improve and protect visual quality in the village core area and Madison Barracks, particularly with regard to the 19th century character, military heritage and coastal ambiance.

Explanation of Policy

As noted in the Inventory and Analysis (under B. Scenic Resources), the land-based vistas from the bluffs at the Battlefield State Park and Madison Barracks, and from Navy Point and the water-based views to the bluffs and the harbor area contribute importantly to the village's coastal setting and, thus, its tourist economy. Indeed, the scenic views from the Battlefield State Park are believed to have potential statewide significance. Accordingly, all government agencies shall undertake their actions in a manner which will enhance or, at a minimum, not degrade or diminish these vistas. Actions likely to enhance largely

center around providing or facilitating scenic access. Actions likely to degrade or diminish these vistas include the following:

- (i) any significant disturbance of the geologic form of the bluffs;
- (ii) placement of structures or other visual barriers at or waterward of the immediate shoreline which would either be incongruous with the vista point (in terms of present activities, mass, scale, form or orientation) or physically block or obscure the extent of view appropriate to the vista point (in terms of type of use and public versus private ownership); and
- (iii) any significant reduction in established public access which affords viewers the opportunity to reach and enjoy these scenic vistas.

Given its wealth of 19th century structures, its history steeped in military tradition and the focus of its past and present community character to the harborfront, the village's visual quality derives from and depends upon maintaining its historic image (through the stabilization, restoration, rehabilitation and preservation of historic structures), enhancing the traditional small harbor uses (through the revitalization of deteriorated non-historic structures located around the harbor) and the promotion of appropriate new development or redevelopment in underutilized areas of the village core and at Madison Barracks.

Accordingly, all government agencies shall undertake their actions in a manner which will improve or, at a minimum, not detract from the visual quality in these areas. Guidelines for protecting visual quality are those set forth under Policies 1, 1A-D, 2, 2A, 4, 19, 20, 21, 22 and, especially, 23 as they relate to the image of the waterfront.

Any proposed use within the waterfront area shall be landscaped to insure a sightly appearance. This shall insure adequate vegetative ground cover to eliminate erosion and promote aesthetics. Trees shall be retained where possible.

AGRICULTURAL LANDS POLICY

POLICY 26 TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AND 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

This policy applies to agricultural lands lying within the proposed Jefferson County Agricultural District No. 11 (see Section IV, Plate VI,

Proposed Land and Water Uses, page 67) and/or within the Village's designated Agricultural Resource Zone (see Section V, Plate XIII, Existing and Proposed Zoning, page 89). This policy requires a concern for any loss of these important agricultural lands. However, the primary concern is with a loss of such lands that would adversely effect the viability of the agricultural area of which those lands are a part.

An agricultural area is an area predominantly in farming and in which farms produce similar products and/or rely on the same agribusiness support services and are to a significant degree interdependent. The proposed Jefferson County Agricultural District No. 11 shall define an agricultural area of those agricultural lands in the Sackets Harbor waterfront area which lie within the district.

A series of determinations are necessary to establish whether a proposed action is consistent with the conservation and protection of agricultural lands or whether it is likely to adversely effect the viability of an agricultural area. First, it must be determined whether the proposed action would result in the loss of important agricultural lands, as defined above. If it would not result, either directly or indirectly, in the loss of important agricultural lands, then the action is consistent with this policy.

If it is determined that the action would result in a loss of important agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, then the action may be consistent with this policy, if undertaken in a manner that will minimize the loss of the important agricultural lands.

If the action is determined to result in a significant loss of important agricultural lands, that is, a loss sufficient to adversely effect surrounding agriculture's viability -- its ability to continue to exist, to prosper, and even to expand -- then the action is not consistent with this policy.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 NOT INCLUDED IN THE LOCAL PROGRAM.¹

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 identified on the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

POLICY 29 NOT INCLUDED IN THE LOCAL PROGRAM.¹

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

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

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY 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 are 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.

As noted in the Inventory and Analysis (under A. Water Resources Inventory), the water quality classification for Black River Bay,

Henderson Bay and Sackets Harbor are appropriate to existing and proposed uses.

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 household 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. Use of alternative or innovative sanitary waste systems may be appropriate in the Boulton's Farm and southwest waterfront area for these reasons.

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.

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

Explanation of Policy

The Sackets Harbor coastal area does not encompass the coastal waters. The Town of Hounsfield has jurisdiction over these waters. However, pumpout facilities will required at new marinas or expansions of existing marinas in the village, provided adequate pump-out facilities do not exist elsewhere in the harbor.

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

Explanation of Policy

As noted under Policy 34, the village does not have jurisdiction over coastal waters; therefore, only the potential disposal of dredging spoils in the village and direct dredging actions of the village come under the auspices of this LWRP. The village is proposing to engage in dredging activity at the foot of Chapin Alley as part of its proposed recreational improvements.

Dredging projects can be beneficial to the coastal area, though they sometimes adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits are granted by DEC where 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 other policies herein pertaining to the protection of coastal resources.

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; AND 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

Shipment of petroleum along the waters adjacent to the village (to storage facilities southwest of the village core area) has ceased in recent years, and renewed shipments appear very unlikely. The only potential sources of hazardous substances which could spill or leach into coastal waters around the village are existing and future marinas. Gasoline transported to, stored at and dispensed from local marinas must be handled in a manner that minimizes the likelihood of spills or leaking storage tanks. Only those spills originating on land will fall within the village's jurisdiction since the adjacent coastal waters lie within the Town of Hounsfield. Nevertheless, the village would cooperate with responsible agencies having jurisdiction in the event of such a spill, since its coastal resources would thus be jeopardized.

Guidelines for this policy lie principally within existing State implementation under Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12); Penalties and Liabilities for Spills of Bulk Liquids, Environmental Conservation Law (Article 71-1941); and

Transportation Law (Article 2, Section 14-F). (In addition, as of 2/1986, the NYS Department of Environmental Conservation is preparing to promulgate petroleum bulk storage control regulations under the ECL, Article 17.)

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 village will use best management practices to reduce such non-point pollution sources.

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

Explanation of Policy

Lake Ontario is the principal source of water supply for the Village of Sackets Harbor. Groundwater sources are also used in certain areas of the village not served by the village's water system. Both sources must therefore be protected from chemical contaminants, excessive nutrients from fertilizers and inadequately treated septic wastes.

POLICY 39 THE TRANSPORT TREATMENT, AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN THE 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

At present, there is no transport, storage, treatment, or disposal of hazardous waste in Sackets Harbor's coastal area. Solid waste in the village is collected and transported by private carrier under municipal contract. The waste is taken to the Town of Hounsfield's solid waste site, which is located several miles from the village's coastal area.

POLICY 40 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 41 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 42 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 43 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 44 NOT APPLICABLE

FOOTNOTE

¹Federal agencies should refer to the New York State Coastal Management Program and Final Environmental Impact Statement for the text of this policy. In addition, the text has been included in Appendix B.

SECTION IV
PROPOSED LAND AND WATER USES
AND
PROPOSED PROJECTS

SECTION IV -- PROPOSED LAND AND WATER USES, AND PROPOSED PROJECTS

The proposed development plans in Sackets Harbor's waterfront area were selected after input and approval from:

- The Local Waterfront Advisory Committee;
- The Planning Board
- The Mayor and Village Board of Trustees.

PROPOSED LAND AND WATER USES

Plate VI, "Village of Sackets Harbor -- Proposed Land and Water Uses", illustrates the extent and distribution of proposed uses in the coastal area. The three geographic sections of the village, referenced earlier in the inventory of existing uses, are again noted below, to locate proposed changes.

Boulton's Farm and Southwest Waterfront Area. The proposed land use in the vicinity of Boulton's Beach is residential infill. Densities for residential development will be controlled by lot size and setback regulations of the village's zoning law and by septic tank regulations. Other uses are expected to remain as they are because of the lack of adequate roads and absence of water and sewer services.

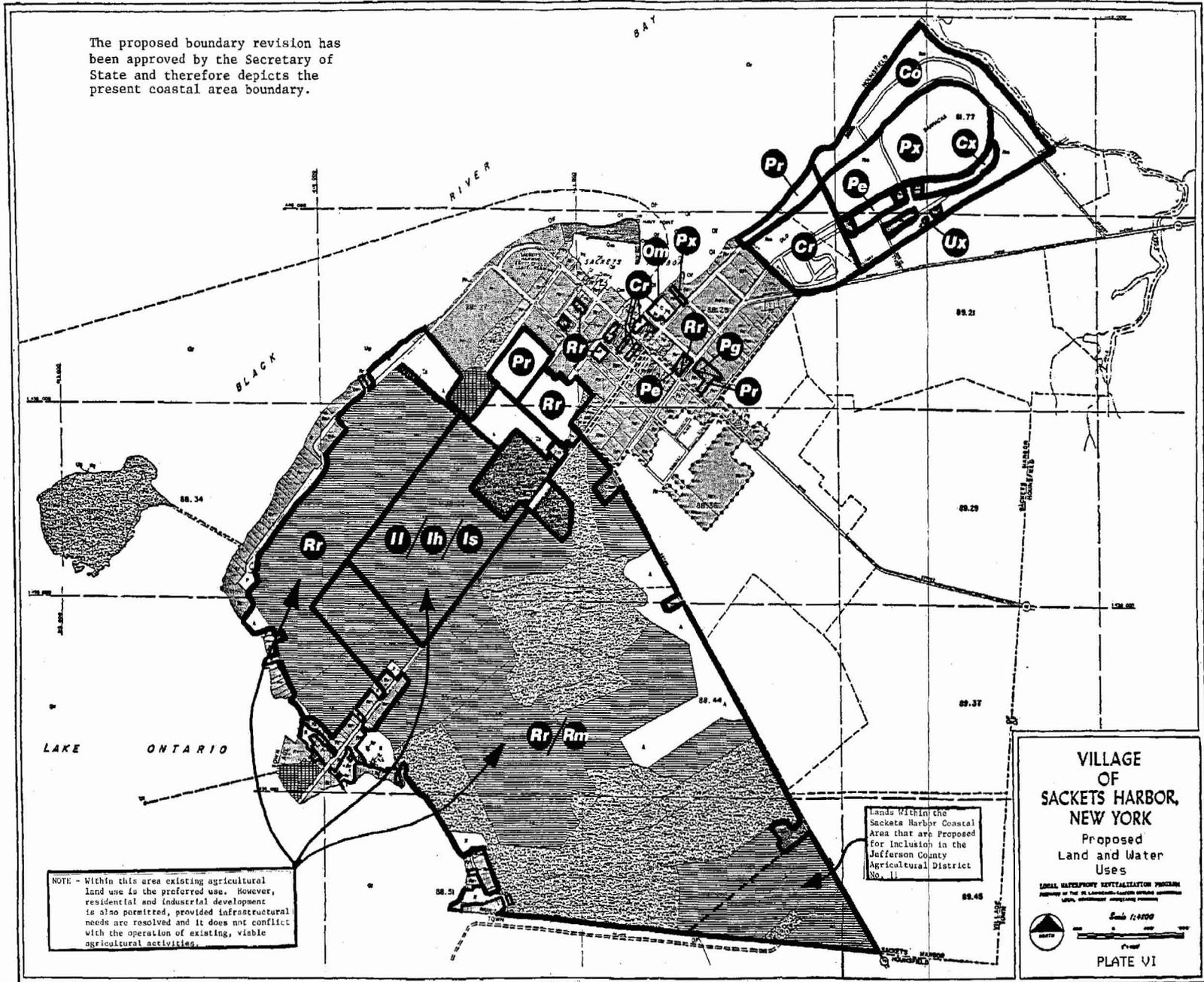
As noted on Plate VI, within the Boulton's Farm and southwest waterfront area the continuation of existing agricultural land uses is the preferred use. However, residential and industrial development is also permitted, provided infrastructural needs are resolved (see Policy 5) and development does not conflict with the operation of viable agricultural activities (see Policy 26).

Village Core. A minor increase in the intensity of land use within the core area will occur due to commercial, residential and recreational improvements on both developed and undeveloped sites. Along the harborfront, which is the focus of the village core, a number of underutilized sites which impact the larger area are proposed for commercial and recreational improvements. The major harborfront use will continue to be access, dockage, and services for recreational boating.

At the southwest fringe of the village core, an area of vacant land is proposed for new residential development by the private sector. Bayard Street would be extended to serve this development. Subject to negotiations with the property owner, the adjoining land (to the northwest) is proposed for a playfield, thereby maintaining a buffer between the sewage treatment plant and the residential area.

Madison Barracks. The proposed uses in the Madison Barracks complex draw upon a 1984 feasibility study by Bland, Roos, and Associates. Proposed uses are commercial, residential, and recreational. Specifically, a regional conference center, country inn, museum, related retail shops and parking, and new single-family residential construction are proposed.

The proposed boundary revision has been approved by the Secretary of State and therefore depicts the present coastal area boundary.



VILLAGE
OF
SACKETS HARBOR,
NEW YORK
Proposed
Land and Water
Uses
LOCAL WATERFRONT REVITALIZATION PROGRAM
Authority of Part 26, Landmarks-Conservation and Planning
Code, Administrative Code of the Village
Scale 1:4100
PLATE VI

PROPOSED PROJECTS

In order to achieve the proposed land uses and to better the village in general, the following projects have been identified for implementation in the coastal area. Inclusion of these projects in this LWRP entitles the project proponents to apply for NYS Department of State implementation funds for project pre-construction costs. These grant funds are limited to 10% of the total project cost. The following list does not imply project priorities. Priorities and additional "non-project" actions, such as zoning revisions, are discussed in Section V - Techniques for Local Implementation of the Program.

The projects are:

- (1) Boulton's Beach Sewage Collection
- (2) Boulton's Beach Residential Rehabilitation and Weatherization
- (3) Core Area Multi-Site Recreational Improvements
- (4) Harborfront Improvements
- (5) Core Area Commercial/Residential Rehabilitation
- (6) Street Improvements
- (7) Madison Barracks Revitalization
- (8) Harbor Walk

The general locations of these projects, except for Harbor Walk, are shown on the Plate VII, Project Areas.

The diversity of the proposed waterfront projects is reflected in the varying degree of detail available at this time. While some projects, such as the multi-site recreational improvements, are already partially implemented, others are only now appearing on the drawing boards. Consequently, some of the following descriptions provide less detail than desired, but look to the waterfront program as a guide and resource for further project development.

(1) Boulton's Beach Sewage Collection. Though not yet far enough along to be considered a LWRP project (plans and initial cost estimates have not been made), installation of a sewage collection system or communal septic system is a potential project of major proportions for Boulton's Beach in the future. For more details, refer to Section V, Techniques for Local Implementation of the Program, Other Public and Private Actions.

(2) Boulton's Beach Residential Rehabilitation and Weatherization. Several of the 70 residences in this area lack adequate heating, lighting, and plumbing. Most are uninsulated. Some exhibit only rudimentary weatherization (four walls, roof, and floor). A few are in need of structural repairs. The area is marked by conversion of summer cottages, deferred maintenance, and new year-round construction. In order to preserve the existing housing stock and improve the well-being of the residents, the village will initiate a residential rehabilitation/weatherization program. In conjunction with the communal septic system discussed above, this program will stabilize an important but threatened neighborhood, encourage residential infill, and help the economic development of the village.

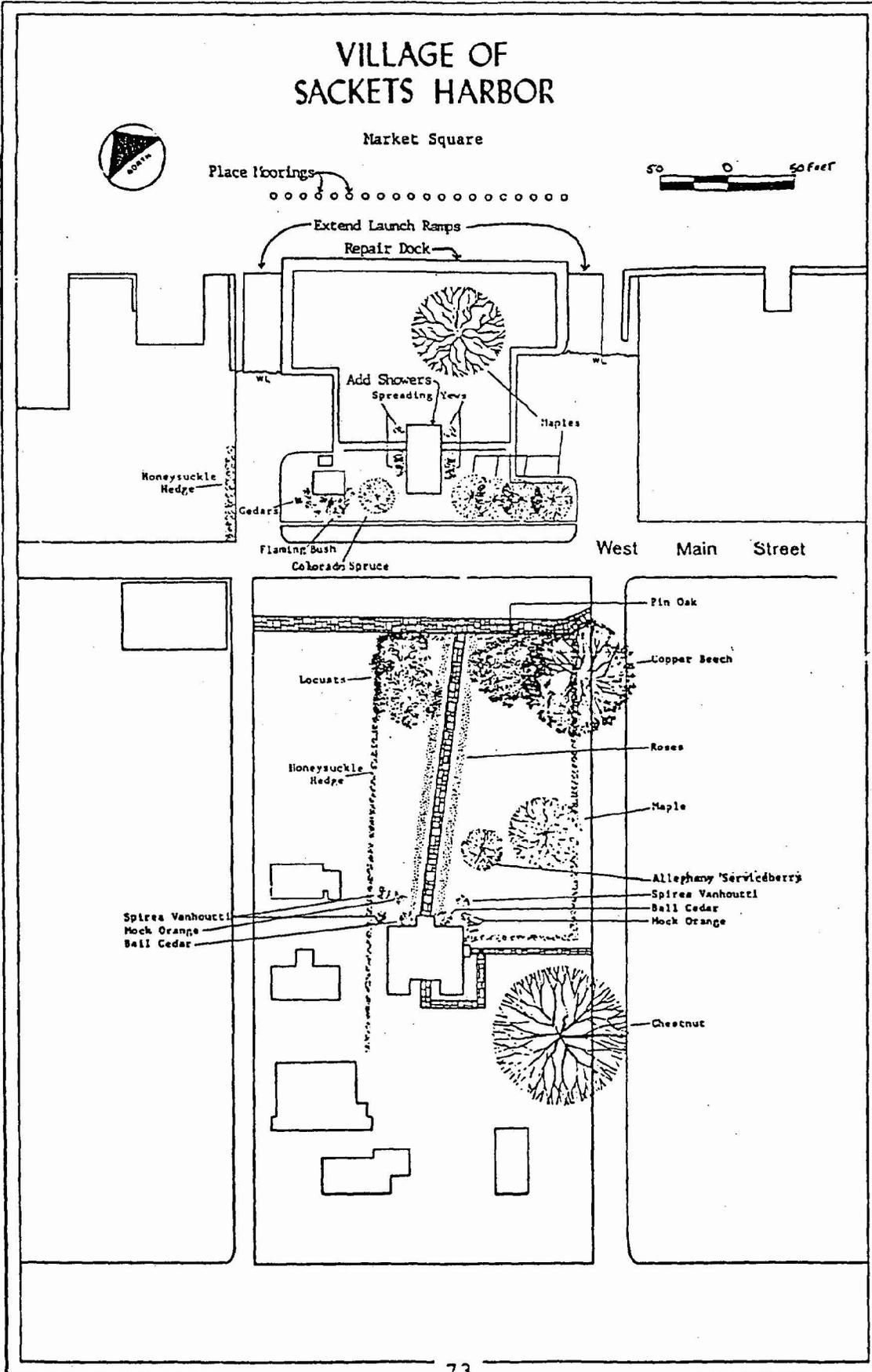
The NYS Division of Housing and Community Renewal (DHCR) has awarded the Sackets Harbor Historical Society (SHHS) an administrative grant to initiate residential improvement programs. SHHS and the village have assessed the need for rehabilitation funds in the neighborhood and submitted an application for such funds (100% Federal, 0% local) under the Small Cities Community Development Block Grant program (CDBG) administered by the U.S. Department of Housing and Urban Development (HUD). HUD denied the grant. Although a future application of this type is likely, recent priority has been given to obtaining funds for redevelopment of Madison Barracks (see #7 below). Another funding source is DHCR's Rural Area Preservation Company Program.

(3) Core Area Multi-Site Recreational Improvements. The village proposes to improve recreational opportunities at four sites within the coastal area, to better serve the needs of residents and visitors alike. Two of the sites, Market Square and Chapin Alley, improve opportunities for water-dependent recreation, while Firemen's Field and the lot behind the Municipal Building are strictly for land-based recreation.

The opportunity for boating on Black River Bay and the waters of Lake Ontario is being made more available by development of marinas and mooring areas in Sackets Harbor. The opportunity for fishing is likewise encouraged by the NYS Department of Environmental Conservation salmonid stocking program in Black River Bay. To accommodate the growing demand, the village has already begun expansion of the tie-up capacity and improvements to the two launch ramps at Market Square (Plate VIII). However, these ramps are particularly difficult to use during typical storm conditions when high winds and turbulent waves blow in from the northeast. Therefore, in addition to the continuing improvements at Market Square, the village proposes to restore an abandoned boat launch facility at the foot of Chapin Alley (Plate IX) in conjunction with development of a private marina. A safer launch area will result from the protection afforded by the marina and the northwest orientation of these ramps. Chapin Alley will not accommodate much public usage, however, until more parking areas are obtained. Efforts should be made to purchase or lease nearby parking space.

The historical setting of Sackets Harbor and the open space of Battlefield State Park draw large crowds and small groups to the village. Although some services are available from the State and Village Tourist Centers, other needs remain unmet. The village proposes to develop a tot lot and repair the existing skating rink in conjunction with recent land acquisition adjacent to the Municipal Building (Plate X). In addition to the obvious benefits for young families in the village, this area will provide a welcome respite for visitors with small children who need a child-oriented place to unwind. On the other hand, carnivals, softball games, historic encampments and the like need a relatively large area close to the village's amenities, but also removed from the mainstream. The area known as Firemen's Field meets these qualifications (corner of Washington and Hill Streets). This field is presently within an industrial zone, and the village is considering a revision of the zoning map which would designate the areas as recreational.

VILLAGE OF SACKETS HARBOR



Village of Sackets Harbor
Public Landing
Plate IX

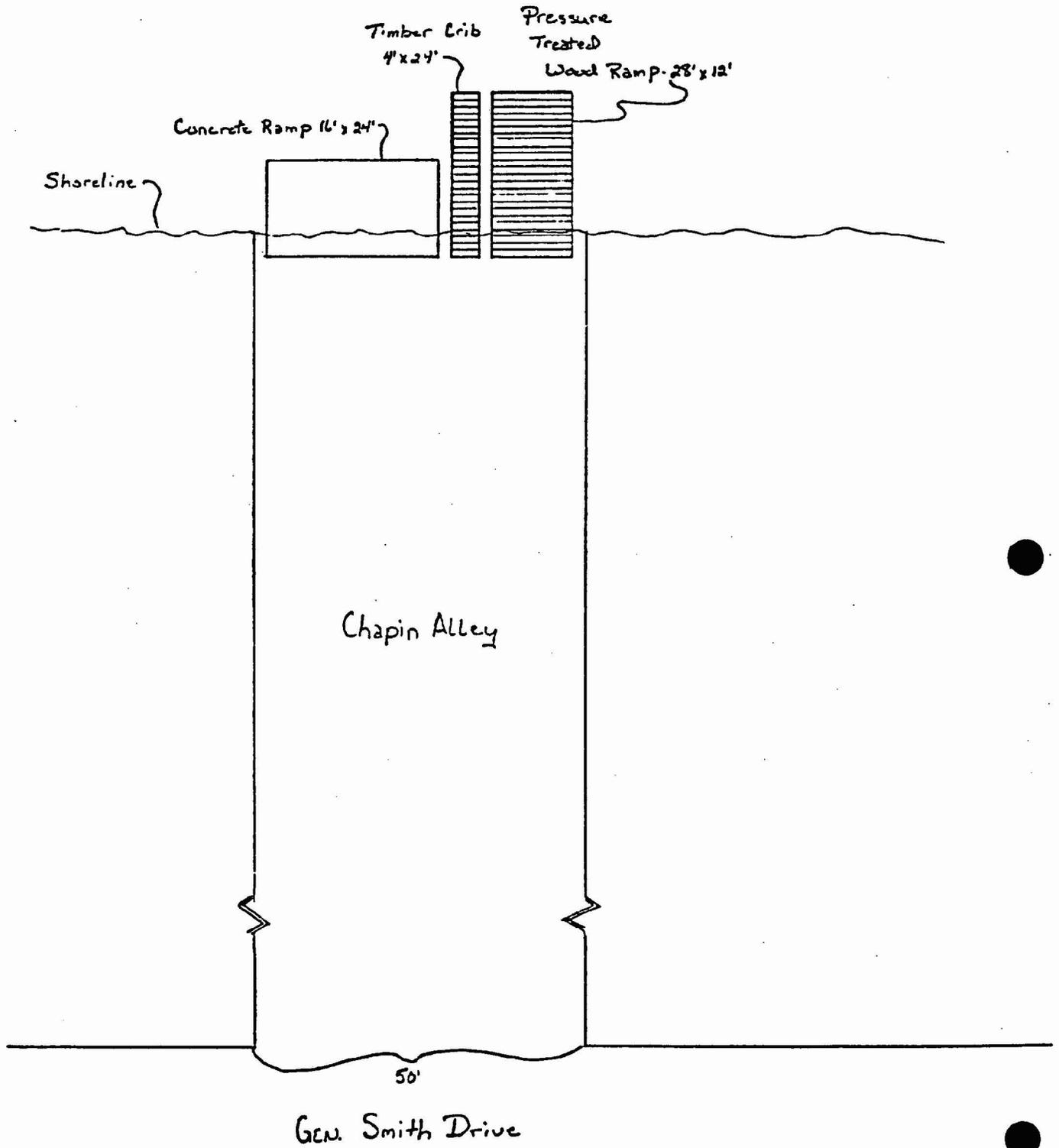


Plate X
Play Area

NORTH BROAD STREET

EAST MAIN STREET

Tot Lot

No Parking Zone

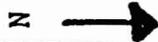
Fire Station,
Municipal Offices

Parking Area

Skating

MONROE STREET

1" = approx. 150'



Funds for improvement of these sites may be available from private sources, from the village, through the Land & Water Conservation Fund as administered by NYS-OPR&HP (50% local, 50% Federal funds), and/or in conjunction with the Urban Cultural Park program as administered by NYS-OPR&HP.

Cost estimates for the recreational improvements yet to be completed are as follows:

Market Square

Ramps	L&WCF	\$ 1,000
	In-Kind	200
Dock	In-Kind	290
Bath House	In-Kind	<u>1,000</u>
Total		<u>2,490</u>

Chapin Alley

Road Surface	Village Funds	2,000
	In-Kind	2,000
Dredging	L&WCF	2,000
	In-Kind	<u>300</u>
Total		<u>6,300</u>

Tot Lot

Landscaping	L&WCF	2,000
	In-Kind	1,000
Play Structures	L&WCF	3,500
	In-Kind	<u>2,300</u>
Total		<u>8,800</u>

Firemen's Field

Landscaping	L&WCF	3,000
	In-Kind	15,000
Signage	UCP	900
	In-Kind	<u>100</u>
Total		<u>19,000</u>

GRAND TOTAL \$ 36,590

(4) Harborfront Improvements. As noted in Section II, page 10, development pressures along the harborfront are considerable, and a comprehensive plan for the harbor area is needed to prevent future conflicts and provide guidance for review boards. To assist the development interests and to promote orderly growth and use of the harbor, the village proposes to seek funds for the preparation of a comprehensive harborfront development and harbor management plan. This plan will not only address land-based harborfront improvements, but also use management and planning for water-based activities within the harbor. The village does not now have the expertise to design and implement such a plan. Funds will be requested from the NYS Department of State under the Coastal Management Program and/or from the NYS Council on the Arts (NYSCA) under the Architecture and Design Program (varying percentage of local matching funds required). The plan is estimated to cost \$20,000 to \$30,000. Plate XI shows the harbor's layout (with reference to an old dredging proposal by the Army Corps of Engineers -- not a part of this LWRP).

(5) Core Area Commercial/Residential Rehabilitation. A number of structures in the core area are vacant or underutilized and show signs of deferred maintenance. To promote the active use of these buildings, to improve the image of the core area, and to preserve the existing housing and building stock, the village proposes to implement a rehabilitation program for the core area. Administrative, technical, and financial assistance will be coordinated by the historical society (SHHS).

SHHS has already received a grant for administration of the program from the NYS Division of Housing and Community Renewal's Rural Preservation Company program (RPC). An application for actual rehabilitation grant money from HUD recently met the same fate as the grant for the houses at Boulton's Beach. Alternative funding sources are the same as for the Boulton's Beach project. Also, an application to HUD for an Urban Development Action Grant (UDAG) is a possibility for rehabilitation of commercial buildings and business expansions. UDAG's require up to 80% private funds, although this ratio can vary.

To qualify for rehabilitation assistance, applicants will be required to comply with site plan review and historic district provisions of the village's zoning law.

(6) Street Improvements. As part of the comprehensive revitalization effort, the village has initiated streetscape improvements such as new sidewalks, landscaping, street expansion and resurfacing, and signage. To complete this project, the village intends to seek funds to widen and resurface Washington Street, to unify the Harbor Walk with street lighting and new sidewalks, to widen and resurface Pike Street, to landscape the scenic overlook at the foot of Pike Street, and to repair and expand directional signs.

The UDAG funds previously mentioned for a commercial rehabilitation program could also be used for some of the core area's streetscape improvements. Funds may be available from the NYS Department of Transportation for resurfacing of major streets with a minimum ten-year life

expectancy. If it can be shown that tourism is a primary factor in the local economy (which it is), then Economic Development Administration funds may be solicited under Titles I and IV of the Public Works and Economic Development Act (50% federal, 50% local funds). Funds may also become available under the State's Urban Cultural Park program, on a matching basis (80% private, 10% local, 10% state) for capital improvements.

(7) Madison Barracks. The village proposes to assist in the private redevelopment of Madison Barracks by acting as a liaison for governmental grants or loans, and by accepting responsibility for the streets, water tower, and public services within the compound, when brought up to acceptable standards.

A recent feasibility study recommends four compatible uses for the 100-acre site: a conference center; a country inn; a museum; and new residential development (see Plate XII). An alternative to the residential use is the development of a regional performing arts center, although details on this proposal are not yet available.

The feasibility study proposes a single development entity with both a for-profit subsidiary and a non-profit, tax-exempt subsidiary. The eastern half of the site would be restored as a week-day conference center offering 151 sleeping rooms and 8 meeting rooms dispersed among 15 buildings. The Commandant's Quarters and 5 Officer's Quarters would be reserved for weekend use as a country inn offering 55 guest rooms. These accommodations would be priced at the higher end of the scale to assure a quality experience. The Parade Grounds would be maintained as private open space.

The function of the non-profit subsidiary would be to establish and maintain a museum of national importance. This museum would be organized around the theme of the development of the U.S. Army from 1820 to 1945 and the peacetime role of building and defending the nation. A first phase would involve restoration of Stone Row including new roofs, porches, windows and doors and the demolition of rear additions. Also, Fort Volunteers would be re-created as a stockade and earthworks attraction. The Stone Water Town Observation Post and the Guardhouse would complete the self-guided tour of the museum's holdings. A second phase could possibly involve military reenactments, publications, and restoration of Grant's quarters as a typical building of Stone Row.

The fourth component consists of 25 single-family row houses to the southeast of Stone Row and the subdivision of the remaining western portion (including the Steward's Quarters) into 25 single-family residential lots. This subdivision plan would incorporate strict architectural and use restrictions. Sales proceeds would flow to the parent organization for disbursement to the non-profit museum subsidiary.

A combination of private investment, tax credits, Urban Development Action Grant (UDAG), LWRP (market analysis and feasibility) and Urban Cultural Park funds (25% State, 75% other sources for interpretive projects) would be mobilized by this project.

Rough cost estimates are as follows:

Conference Center
and Country Inn

UDAG	\$ 3.5 million
Private Investment (equity)	1.5 million
Private Investment (loan)	7.2 million
Investment Tax Credits	<u>2.09 million</u>
Total	\$ <u>14.29 million</u>

Military Museum

Urban Cultural Park	115,000
Watertown Foundation	45,000
UDAG (rollover from loan)	<u>3,200,000</u>
Total	\$ <u>3,355,000</u>

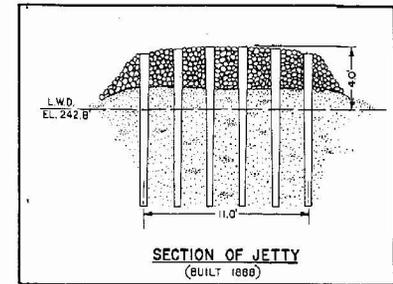
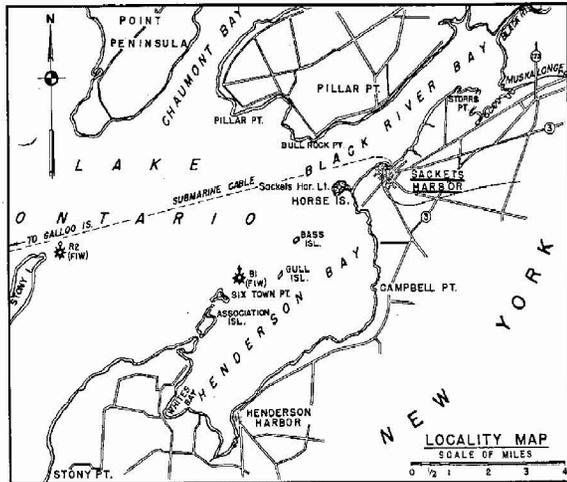
GRAND TOTAL \$ 17,645,000
(Cost of residential development
is not estimated or included)

To pave the way for private redevelopment and revitalization of Madison Barracks, the Village of Sackets Harbor has submitted a \$271,100 CDBG Small Cities grant application to HUD for supporting infrastructure improvements. Included in the application are proposals to rehabilitate the existing water tower, connect the tower into the municipal water system, improve the existing sewer systems lift station (including the provision of auxiliary power), and install 1,600 ft. of 10-inch sewer to replace the 8-inch village sewer (along General Smith Drive) now serving Madison Barracks.

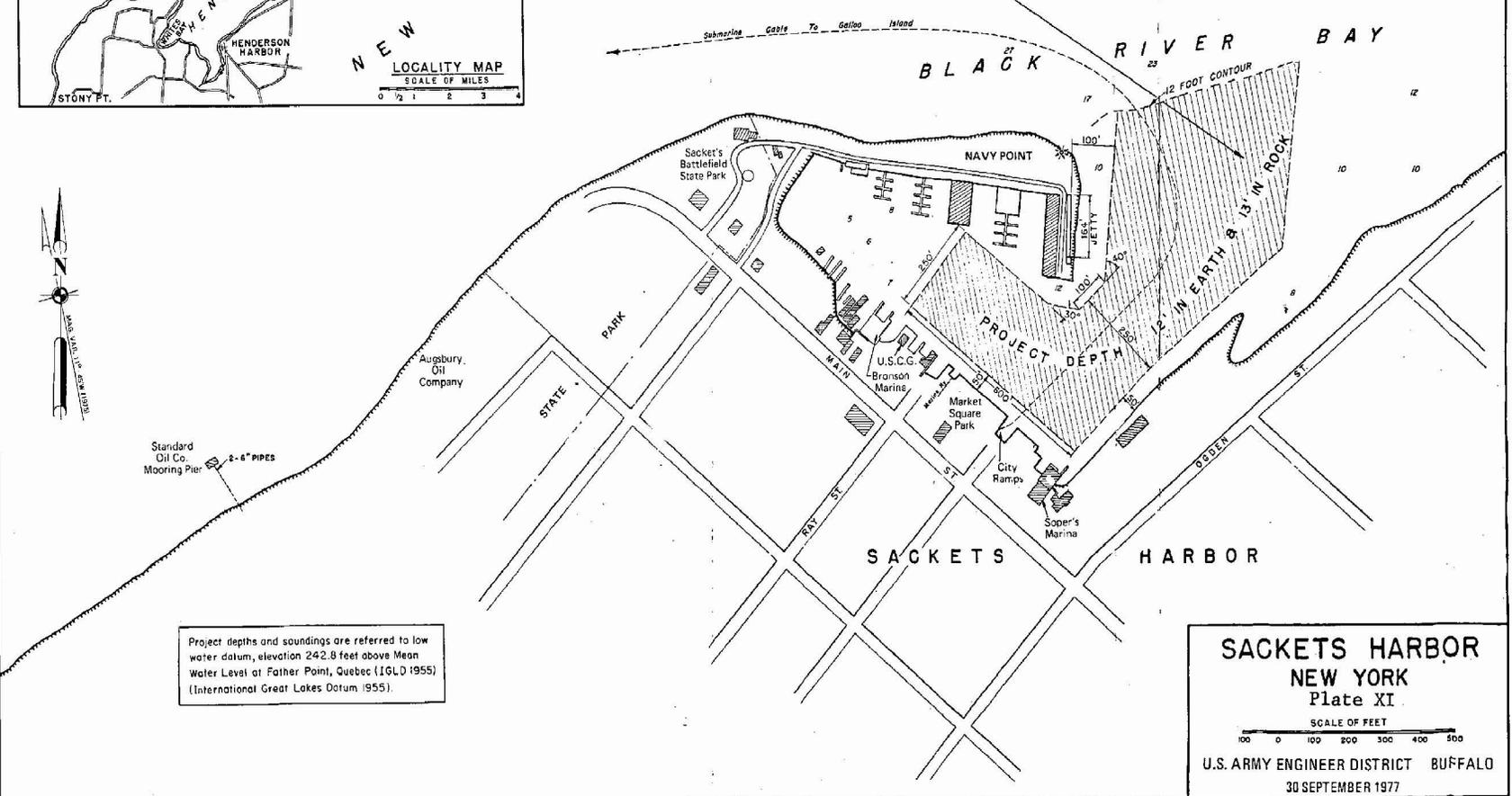
The breakdown in component costs for infrastructure improvements are as follows:

a) water tower	\$ 77,000
b) connection to village water system	18,000
c) lift station	63,000
d) sewer main	53,000
e) contingency	20,800
f) planning and administration	<u>39,300</u>
	\$ 271,100

(8) Harbor Walk. Although not a capital projects, the proposed Harbor Walk is noted here as a unifying element with regard to pedestrian and vehicular tours of the historic waterfront. A walking/driving tour guide brochure (prepared through the UCP program's funding) would facilitate tourist interpretation and appreciation of 40 major landmarks and sites along which the Harbor Walk would be designated. The Harbor Walk includes Main Street, Washington Street, General Smith Drive, Broad Street and portions of both the Battlefield State Park and Madison Barracks.



UNDER PREVIOUS PROJECT PORTIONS OF THIS AREA WERE DREDGED TO 12 FEET EXCEPT WHERE PREVENTED BY LEDGE ROCK.



Project depths and soundings are referred to low water datum, elevation 242.8 feet above Mean Water Level at Father Point, Quebec (IGLD 1955) (International Great Lakes Datum 1955).

SECTION V

TECHNIQUES FOR IMPLEMENTING THE PROGRAM

SECTION V -- TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

To achieve the objectives embodied in the policies, uses and projects which form the core of this Local Waterfront Revitalization Program, the Village of Sackets Harbor has identified specific techniques and actions necessary to ensure program implementation. The following description of these implementation mechanisms is arranged in five categories:

- . Local Laws and Regulations
- . Other Public and Private Actions
- . Management Structure
- . Financial Resources
- . Actions Implementing Local Policies

LOCAL LAWS AND REGULATIONS

Existing Local Laws and Regulations

Zoning Law

The village's zoning law, as amended, provides for the regulation of land use through a purpose statement and 12 specific articles. Key articles and their provisions for implementation of the policies and purposes of this program include the following:

ARTICLE III - ESTABLISHMENT OF DISTRICTS. This article creates seven (7) zoning districts (SINGLE FAMILY RESIDENTIAL DISTRICT-SFR, GENERAL RESIDENTIAL DISTRICT-GR, TOURISM AND RECREATION DISTRICT-TR, BUSINESS DISTRICT-B, INDUSTRIAL DISTRICT-I, floating PLANNED DEVELOPMENT DISTRICT-PD, HISTORIC PRESERVATION DISTRICT-HP and delineates them on the village's zoning map (see Plate XIII).

ARTICLE V - DISTRICT REGULATIONS. This article consists of: (1) a schedule of land use controls which specifies the purpose, permitted uses, permitted accessory uses and special uses for each of the zoning districts and (2) a schedule of lot dimension requirements which specifies for each district the maximum lot coverage and building height, the minimum area and width of lots, and the minimum sizes of front, side and rear yards. (A copy of these schedules is included in Appendix A).

ARTICLE VI - SPECIAL USES. This article outlines procedural steps for special permit review, lists specific requirements for each type of special use and provides additional criteria as standards to be met by all special uses.

ARTICLE VII - SUPPLEMENTAL USES AND REGULATIONS. This article establishes supplemental regulations covering non-conforming lots, signs, private garages or other accessory structures, mobile home parks, shoreline setbacks for waterfront property, multi-family dwellings, docking facilities and marine uses, public assembly facilities, hotels, motels, industrial uses (site plan review standards), public utility facilities, planned development districts (general requirements, site plan review criteria and procedures), and the Historic Preservation District (findings, purpose and intent, general provisions, regulated activities, exempted activities, administration by way of Type B building permits*, Village Planning Board determinations on historic compatibility, determinations on demolitions, preservation standards and maintenance and repair requirements).

Article VII also sets forth general provisions regulating corner lot setbacks, yard requirements in relation to attached structures, fences and walls, visibility at intersections, off street loading, unsafe structures, construction and use of public streets, off-street parking and coastal management program regulations. (Because of their importance to implementation of this program, the coastal management regulations are included in Appendix A.) Finally, Article VII provides specific regulations for home occupations, public and private recreation facilities, swimming pools, community facilities, junk vehicles, nuisances, removal of sod or soil, and excavation.

ARTICLE VIII - SITE PLAN REVIEW. This article establishes site plan review procedures.

ARTICLE IX - NON-CONFORMING USES. This article defines and limits non-conforming uses.

ARTICLE X - ADMINISTRATION AND ENFORCEMENT. This article specifies Type A building permit** requirements; certificate of occupancy*** requirements, enforcement by the Building Inspector; the creation, powers and duties of the Village Planning Board and the Board of Appeals; and the penalties for violation of the zoning law.

* Type B Building Permit: The approval and permit that must be obtained from the Planning Board prior to commencement of the following activities within the historic preservation district:

- . Exterior maintenance, alteration, other than windows and doors, demolition or relocation of historic buildings or structures in

VILLAGE OF
SACKETS HARBOR,
NEW YORK

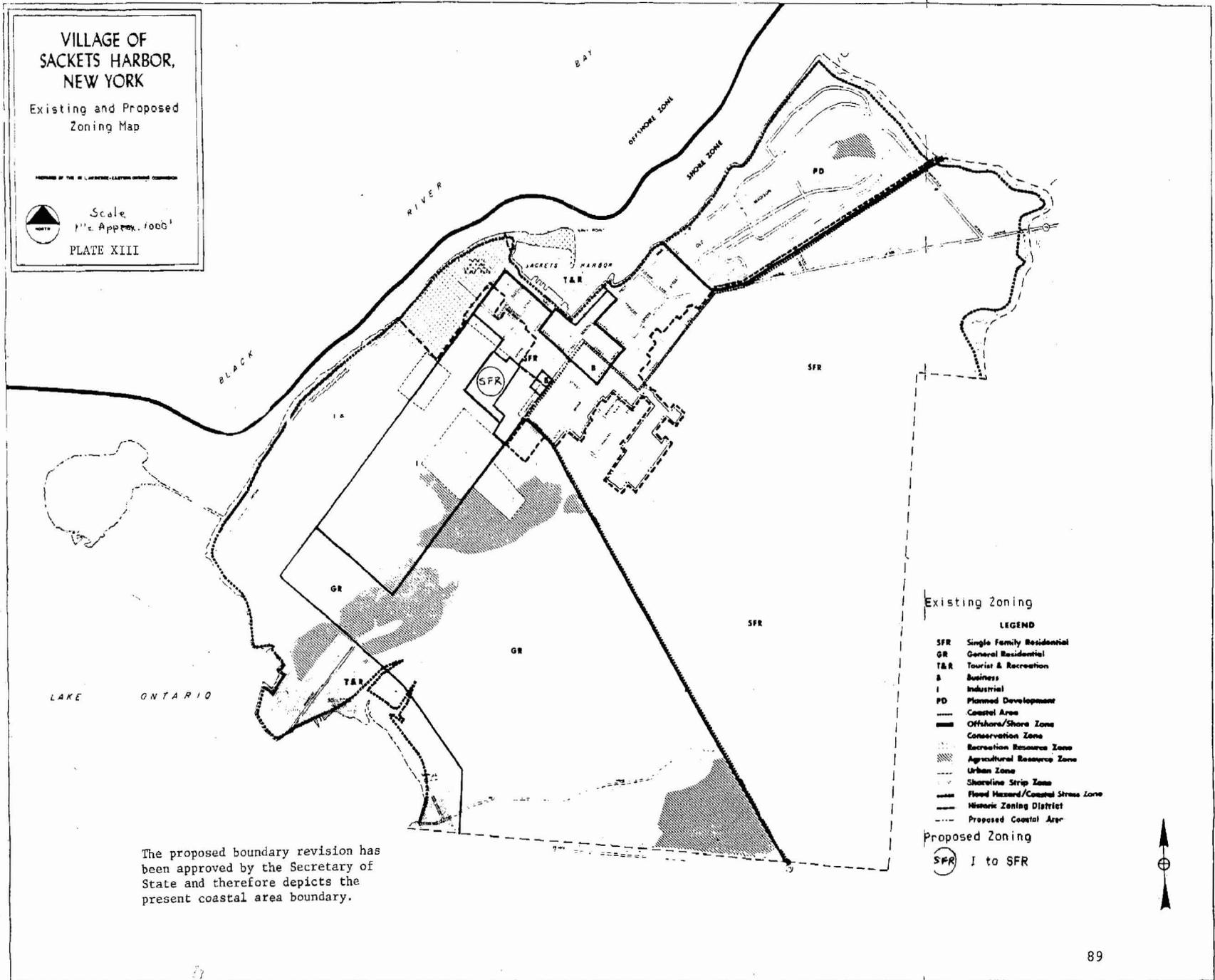
Existing and Proposed
Zoning Map

MEMBER OF THE N.Y. STATE PLANNING BOARD



Scale
1" = Approx. 1000'

PLATE XIII



Existing Zoning

LEGEND

- SFR Single Family Residential
- GR General Residential
- T&R Tourist & Recreation
- B Business
- I Industrial
- PD Planned Development
- Coastal Area
- ==== Offshore/Shore Zone
- Conservation Zone
- Recreation Resource Zone
- Agricultural Resource Zone
- Urban Zone
- Shoreline Strip Zone
- Flood Hazard/Coastal Stress Zone
- Historic Zoning District
- Proposed Coastal Area

Proposed Zoning

- (SFR) I to SFR

The proposed boundary revision has been approved by the Secretary of State and therefore depicts the present coastal area boundary.



the historic district, which would be detrimental to their historic value or the historic value of nearby buildings, structures, sites or areas.

- . Intrusion by new non-historic buildings or structure whether by new construction or relocation, and substantial alteration of existing non-historic buildings or structures which may be incompatible with existing buildings, structures, sites or areas in terms of style, size, color, materials or general appearance.
- . Other non-structural activities on or adjacent to historic properties including blasting, tunneling, trenching, and other excavation, filling, grading, paving, fencing, and landscaping, lighting, and signage which by their nature may threaten or detract from the value or character of historic buildings, structures, sites or areas.

To assess these activities, a Type B Permit application includes drawings or blueprints of the proposed improvements, photographs of the site, and a list of abutting property owners.

****Type A Building Permit:** The approval and permit that must be obtained from the Building Inspector prior to construction or demolition of a structure, institution of a new use, or expansion (greater than 100 square feet) or relocation of a structure. This permit provides details on the structure and surrounding area as is necessary to enforce the zoning law.

*****Certificate of Occupancy:** A certification issued by the Building Inspector stating that the building or proposed use relating thereto complies with the provisions of the zoning law.

Flood Damage Protection

The village's flood damage protection law was adopted in 1984 to "...promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas..." It applies to all areas of special flood hazards within the village as identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), No. H-01 and H-02 dated November 28, 1975 and any revisions thereto. This law requires a development permit for construction or development in designated special flood hazard areas, appoints the Building Inspector to administer and implement the local law with regard to development permits and outlines the Building Inspector's duties and responsibilities. The law establishes general standards applicable to all special flood hazard areas (anchoring, construction materials and methods, utilities, subdivision proposals, and encroachments). It also sets forth specific standards for these areas (regarding residential and non-residential construction), and requires certification by a registered P.E. or architect that all standards are satisfied. Finally, the law sets forth the variance procedure (appeals board and conditions for variances).

NOTE: The village has not enacted a local environmental review law. Rather it follows the provisions of the State Environmental Quality Review Act (SEQRA), ECL, §8-0113 and Part 617, NYCRR (as amended). These provisions require that, when a village agency proposes an action to fund, directly undertake or approve a proposed Type I or Unlisted Action and is lead agency (as the sole involved agency or as so designated among other involved agencies), it will determine the environmental significance of the action before it is undertaken. The model Environmental Assessment Form in Appendix A of Part 617, NYCRR is used for this purpose. As required by SEQRA, those actions determined to involve potentially significant environmental impacts and made subject to "positive declarations", will be required to follow the procedures of Part 617, NYCRR for the preparation, review, findings and notifications regarding draft and final environmental impact statements.

The above regulations serve to implement many of the policies in this LWRP (particularly the development, recreation, scenic and historic, flooding, and erosion policies). Other LWRP policies are more appropriately implemented by other levels of government (water and air quality policies, for example).

Additional Local Laws and Regulations Adopted to Implement the LWRP

The Village Board has enacted a local consistency law to govern village actions in the waterfront area, and insure that they are consistent with the policies of this LWRP. This consistency law operates in conjunction with SEQR, such that when the village is the lead agency for a direct action in the waterfront area, it shall review the coastal policies in making its findings, and comment regarding the consistency of the proposed action with the LWRP.

To facilitate these consistency reviews, a Waterfront Program Consistency Assessment Form (Figure 1) for use by the Building Inspector/Enforcement Officer, has been adopted with the local consistency law.

Figure 1

WATERFRONT PROGRAM CONSISTENCY ASSESSMENT FORM

This form is to be completed whenever a direct public action is proposed to fund or undertake an activity which will impact the Coastal Area of the Village of Sackets Harbor as defined in the zoning law. The proposed public action described herein shall be reviewed by the Building Inspector as Enforcement Officer who shall (1) advise the Village Board of Trustees that the proposed action(s) is (are) either consistent, inconsistent, or of uncertain consistency with the policies and purposes of the Sackets Harbor Waterfront Revitalization Program and (2) refer proposed actions which are or may be inconsistent with said policies and purposes to the Village Planning Board for their review and comment to the Village Board of Trustees.

Public action:

Related activity:

Form completed by: _____ Date: _____

	No	Yes	Maybe
1. Does the action or related activity involve development or redevelopment in the coastal area?	()	()	()
Is the action consistent with coastal policies 1, 1A, 1B, 1C, 1D, 2, 2A, 2B, 2C, 4, 4A, 5A, 5B, 5C, 5D, 6, and 6A?	()	()	()
2. Does the action or the related activity involve fish or wildlife resources in the coastal area?	()	()	()
Is the action consistent with coastal policies 7, 8, and 9?	()	()	()
3. Does the action or the related activity involve flooding or erosion hazards?	()	()	()
Is the action consistent with coastal policies 11, 12, 13, 13A, 13B, 14, 17, and 17A?	()	()	()
4. Does the action or the related activity involve public access in the coastal area?	()	()	()
Is the action consistent with coastal policies 19, 20, and 20A?	()	()	()
5. Does the action or the related activity involve recreation in the coastal area?	()	()	()
Is the action consistent with coastal policies 21, 21A, 22, 22A, 23, and 23A?	()	()	()
6. Does the action or the related activity involve scenic resources in the coastal area?	()	()	()
Is the action consistent with coastal policies 24, 25, and 25A?	()	()	()
7. Does the action or the related activity involve agricultural lands in the coastal area?	()	()	()
Is the action consistent with coastal policies 26 and 26A?	()	()	()
8. Does the action or the related activity involve water resources in the coastal area?	()	()	()
Is the action consistent with coastal policies 28, 30, 31, 32, 33, 34, 35, 36, 37, and 38?	()	()	()
9. Does the action or the related activity take full consideration of the coastal area's valuable resources which contribute to the social, environmental, and economic interests?	()	()	()
Is the action consistent with coastal policies 18 and 18A?	()	()	()

OTHER PUBLIC AND PRIVATE ACTIONS

In keeping with the Core Area Multi-Site Recreational Improvements and Harborfront Improvements that are identified in the "Proposed Projects" section (Section IV), the village will be pursuing the attainment of 1500 feet of jurisdiction from the shore into the water for purposes of regulating boat traffic and general harbor uses in and around the waters of Sackets Harbor. This increase in jurisdiction will be pursued under authority of §46(a) of Article 4 of the State Navigation Law. Such authority must be approved by the NYS Bureau of Marine and Recreation Vehicles within the Office of Parks, Recreation and Historic Preservation.

The village will also be pursuing a revision and update of its entire zoning ordinance. The goals of such a revision are to create an easy-to-use zoning law which at the same time would allow efficient coordination between the zoning law and the LWRP. This type of LWRP-related activity is considered a program refinement type of activity and thus is eligible for an implementation grant from the NYS Department of State at a 50% State and 50% local funding ratio.

As noted in Section IV in the description of the proposed projects, the Boulton's Beach Sewage Collection proposal does not have enough data available to be considered a current project. The community has expressed concern about overloading the silty clay soils with wastes from private septic systems. The village has yet to decide whether the 70 houses in that area should be tied in with the core area's sewer system, have its own independent sewage system, or have a communal septic system.

Before deciding whether or not to undertake this project, the village desires an engineering study to determine which is the most feasible system, what the estimated cost will be, and what funding sources for construction are available. A DOS LWRP implementation grant will be applied for, to pay for this study (80% State, 20% local funds). If these funds are unavailable, another source is DEC's Small Communities and Rural Areas Wastewater Treatment Grants program. This program, however, requires the village to pay for its own engineering study, and will only refund part of the study's cost if the village is subsequently awarded the construction grant. This grant generally funds treatment and interceptor facilities only (55% Federal, 30% State and 15% local). Collector sewers are not eligible unless it can be proven that a severe impact is made on the area's water quality and funds are available. Such sewers can only be funded if they would serve a resident population in existence as of October 15, 1972.

Additional actions to implement the LWRP include preparation and submission of several other grant applications by the village (see "Financial Resources" description on page 96 for details), developer solicitation for Madison Barracks, preparation of a harbor development plan (including coordination with other agencies), and coordination with the Urban Cultural Park program.

In addition, the village has a significant seasonal problem of parking availability in certain portions of the village's waterfront area. These parking needs are addressed in the village's Urban Cultural Park Management Plan. Because of the importance of adequate parking for the implementation of the LWRP, the need for a professionally prepared parking study had been identified as a project that should be pursued at some point in the future by the village.

Private actions necessary to implement the LWRP are primarily of a financial or entrepreneurial nature. The greatest potential action is the investment in and development of the Madison Barracks site. As noted in Section IV, this project will most likely require a combination of private and public financing.

A similar combination of private and public funds will be necessary for the core area commercial revitalizations, particularly if an Urban Development Action Grant is used for this project. Cooperation of private property owners will also be necessary if the sewage collection project for Boulton's Beach houses is undertaken.

MANAGEMENT STRUCTURE

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

Mayor - provision of overall program supervision and management, and intergovernmental coordination of policies.

Trustees - execution of individual responsibilities (with coordination by the Mayor) for such things as infrastructure capacity, coordination with volunteer and private organizations, and local government cooperation.

Planning Board - review of specific development projects or uses included in the LWRP and UCP, and recommendation on each to the Village Board; provision of advice and assistance to the Village Board and the public in prioritizing program projects and activities; provision of input/feedback to the Village Board on the compatibility of waterfront activities with program policies and objectives; review and approval of site plans for all new development within the waterfront; cooperation with USACE, DEC, DOE, SLEOC, Village Board and Hounsfield Town Board in developing a harbor management plan.

Zoning Board of Appeals - the hearing and rendering of decisions on variances, special permits and appeals from and review of any order, requirement, decision or determination made by the Building Inspector pertaining to the waterfront.

Building Inspector (Enforcement Officer) - determination of the compliance of waterfront use and development proposals with the zoning law, the issuance of permits therefore and enforcement.

Superintendent of Public Works - coordination of operation and maintenance for public waterfront facilities.

Village Clerk - communication and record keeping for village government actions pertaining to the waterfront.

Sackets Harbor Historical Society - development and program coordination for residential and commercial rehabilitation within the waterfront.

Sackets Harbor Area Cultural Preservation Foundation - guide and coordinate Madison Barracks redevelopment, 1812 pageant, and tourism promotion.

Sackets Harbor Chamber of Commerce - coordination of merchant and private sector involvement in the LWRP, assistance in soliciting donations for smaller waterfront projects and promotion of public and private interest and support for revitalization activities.

Compliance Procedures

In general, the village's procedures for assuring compliance with the coastal policies of its LWRP consist of the administration and enforcement of zoning and other local laws applicable to its waterfront in conjunction with the environmental review procedures required by the State Environmental Quality Review Act (SEQRA). Each proposed action by the village to directly undertake or to permit, fund or otherwise approve a project, use or activity contemplated within its waterfront will be processed as follows:

In keeping with NYCRR Part 617.5, the Building Inspector will review each such project, use or activity in consultation with the applicant and/or the board, department, office, officer or other body of the village that would be involved. This review will identify: whether or not the proposed public action involves the coastal area, and using the Waterfront Program Consistency Assessment Form, whether the action is consistent, inconsistent or of uncertain consistency.

The village's review of State and federal actions is the same, except that actions which are or may be inconsistent with the LWRP are referred to the Planning Board for its review and comment. Within thirty (30) days of a referral, the Planning Board will prepare a written report to the Village Board of Trustees, describing specific reasons for inconsistency, if any. The Board of Trustees, after considering the Planning Board's report, will advise the NYS Secretary of State, and the particular State or federal agency involved, of any actions it deems inconsistent with the LWRP and the reasons therefore.

FINANCIAL RESOURCES

Implementation of this waterfront program will require coordination among local, State and federal agencies and officials, non-profit organizations, private individuals, and corporations to mobilize the necessary financial resources for each project. Of course, the precise

cost of some projects cannot be determined without detailed on-site engineering and design estimates.

For local management, administration, and enforcement of regulations, the village will rely mainly on its tax revenues. The village may also make use of technical assistance available through the Sackets Harbor Historical Society, the NYS Division of Housing and Community Renewal, the NYS Department of State, the St. Lawrence-Eastern Ontario Commission, and the Jefferson County Planning Department.

To implement specific projects (described in Section IV), the village will rely on grants from State and federal agencies. The following list reviews those funding sources. For details, refer to project descriptions in Section IV.

- (1) Boulton's Beach Sewage Collection. As noted previously, a DOS LWRP implementation grant can pay for up to 80% of the engineering and planning costs. If the village then decides to proceed with actual construction, funding under DEC's Wastewater Treatment Grants program has already been described (page 94). Other sources of construction funds are the U.S. Department of Housing and Urban Development's Small Cities Community Development Block Grants (100% Federal, 0% local), and the Farmers Home Administration which could loan the village 100% of the construction cost through its Water and Waste Disposal program for rural communities (under 10,000 population).
- (2) Boulton's Beach Residential Rehabilitation. Either the NYS Division of Housing and Community Renewal's Rural Area Revitalization Program or HUD's Small Cities Community Development Block Grant program may approve a village application for funds for residential rehabilitation grants or loans (100% Federal, 0% local).
- (3) Core Area Multi-Site Recreational Improvements. Application should be made to the NYS Office of Parks, Recreation & Historic Preservation (NYS OPR&HP) for funds from two of their programs. The first one is the Land and Water Conservation Fund, which assists outdoor recreation and park improvements (see page 70, Section IV, for detailed proposal description) with a 50% match. The other is the Urban Cultural Park program, which may fund signs and other interpretive projects for the village's Urban Cultural Park (25% State, 75% other sources). Additional money and in-kind services would come from the village.
- (4) Harborfront Improvements. Application should be made to NYS DOS under its Coastal Management program for an "Implementation Grant" to prepare a development plan for the harbor (80% State, 20% local). Additional funding for completion of the plan might be needed, in which case an application would be submitted to the NYS Council on the Arts through its Architecture and Environmental Arts program (local match varies).

- (5) Core Area Commercial/Residential Rehabilitation. Residential rehabilitation funds for the core area should come from the same sources as the Boulton's Beach funds (see Item #2 above). For commercial building rehabilitations, application should be made by the village for an Urban Development Action Grant (UDAG) from HUD. Private funds must be used in conjunction with all UDAGs; therefore, building owners should be expected to contribute some of the renovation costs.
- (6) Street Improvements. For the various street and sidewalk improvements described on page 77, funding may be obtained from several sources. If available, funds for major street repairs should be requested from the NYS Department of Transportation. Street, sidewalk, and landscape improvements could be funded through an application for assistance from the U.S. Economic Development Administration under the Public Works and Economic Development Act (50% Federal, 50% local funds). An application for signage and landscape improvements should be made to NYS OPR&HP under the Urban Cultural Park program (25% State, 75% other sources of funds).
- (7) Madison Barracks. The Urban Cultural Park program could be tapped for funding of 25% of the cost of interpretive improvements. Major redevelopment funds will have to come from private sources and HUD's UDAG program. Once a developer has been selected for the site, the village should submit an application for UDAG funds to assist the redevelopment effort (up to 80% private matching funds required). A recent CDBG Small Cities grant application to HUD would support private redevelopment of Madison Barracks by removing serious obstacles imposed by limitations of the infrastructure serving that site.

Given the large number of potential grant applications to be prepared and submitted by the village, the need for internal grant administration capability is obvious, if the LWRP and its projects are to be implemented. Some of the work may be handled by the Sackets Harbor Historical Society if funding for a paid staff position continues here. However, to coordinate implementation of the LWRP and the Sackets Harbor Urban Cultural Park along with initiatives of the private sector, an additional individual employed by the village would be helpful.

ACTIONS TO IMPLEMENT LWRP POLICIES

Development Policies (1, 1A, 1B, 1C, 1D, 2, 2A, 4, 5, 5A, 5B, 6, 6A) These policies will be implemented through enforcement of the village's zoning regulations (including historic district regulations), which control both new development and renovation/use of existing structures. Several grant applications, if successful, will help implement these policies, particularly a UDAG to encourage the redevelopment of Madison Barracks, a Coastal Management grant to produce the harbor management plan, and a combination of grants to improve existing homes and buildings throughout the waterfront area.

Fish and Wildlife Policies (7, 8, 9, 10) In some situations (e.g., new development requiring a zone change), these policies will be implemented by the village's zoning regulations. More often, though, the proposed local consistency and coastal assessment provisions will govern adherence to the fish and wildlife policies. Also, permit and project review procedures of other levels of government (DEC and SLEOC, for example) will help with implementation.

Flooding and Erosion Hazard Policies (11, 12, 13, 14, 16, 17) Enforcement of local flood damage control regulations, zoning laws, and the Uniform Fire Prevention and Building Code will help to implement these policies, as will local consistency and coastal assessment provisions.

General Policy (18) This broad policy will be enforced by a combination of all tools mentioned for the previous policies, with particular emphasis on State and federal consistency law as and the proposed local consistency law.

Public Access and Recreation Policies (19, 20, 21, 22, 22A, 23) Enforcement of zoning regulations will play a large part in assuring continued accessibility of existing public and recreational properties. Several grant applications, if approved, will help the village improve or expand public parks, waterfront access areas, and other recreational opportunities. Continued village and State maintenance of existing facilities will help implement these policies. Development of a harbor management plan will assure future policy implementation in the harbor area. Most important of all of these policies is Policy 23 which addresses historic resources, so prevalent in the village. The recent addition of historic district regulations of the village's zoning law will greatly enhance the implementation of these policies. Also important will be preparation and approval of several grant applications, combined with investment by the private sector.

Scenic Quality Policies (25, 25A, 25B) Enforcement of zoning regulations and waterfront program consistency laws will implement these policies. In particular, site plan reviews, as provided for in the zoning law, will be of importance to preserve scenic views.

Ice Management Policy (28) This policy will be implemented through program consistency requirements, and permit and project review procedures at the regional, State, and federal levels.

Water and Air Resource Policies (30, 31, 32, 33, 35, 36, 37, 38) The policies which are applicable to the local program (see Section III) will be implemented through local, State, and federal consistency requirements, and through permit and project review procedures at the regional, State, and federal levels.

SECTION VI

FEDERAL AND STATE PROGRAMS

LIKELY TO AFFECT IMPLEMENTATION

SECTION VI -- FEDERAL AND STATE PROGRAMS
LIKELY TO AFFECT IMPLEMENTATION

Federal and State agencies are likely to affect the implementation of this waterfront program.

The first part of this section identifies the actions and programs of State and federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State, and some of these actions and programs may not be relevant to the Village of Sackets Harbor Waterfront Revitalization Area.

Pursuant to Article 42 of the Executive Law, the Secretary of State individually and separately notifies affected State agencies of those agency programs and activities which are to be undertaken in a manner consistent with approved LWRPs. Similarly, federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by federal law and regulation. The list of State and federal agency actions and programs included herein is informational only and does not represent or substitute for the required identification and notification procedures.

The second part of this section is a more focused list of State and federal agency actions which are necessary to further the implementation of the LWRP. Reference should be made to Section IV and Section V, which also discuss State and federal assistance needed to implement the LWRP.

STATE AND FEDERAL ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN
IN A MANNER CONSISTENT WITH THE LOCAL PROGRAM

STATE AGENCIES

OFFICE FOR THE AGING

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program.
- 2.00 Rural development programs.
- 3.00 Farm worker services programs.
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

1.00 Permit and approval programs:

- 1.01 Ball Park - Stadium License
- 1.02 Bottle Club License
- 1.03 Bottling Permits
- 1.04 Brewer's Licenses and Permits
- 1.05 Brewer's Retail Beer License
- 1.06 Catering Establishment Liquor License
- 1.07 Cider Producer's and Wholesaler's Licenses
- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor License
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

- 2.01 Letter Approval for Certificate of Need
- 2.02 Operating Certificate (Alcoholism Facility)
- 2.03 Operating Certificate - Community Residence
- 2.04 Operating Certificate (Outpatient Facility)
- 2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

- 1.01 Authorization Certificate (Bank Branch)
- 1.02 Authorization Certificate (Bank Change of Location)
- 1.03 Authorization Certificate (Bank Charter)
- 1.04 Authorization Certificate (Credit Union Change of Location)
- 1.05 Authorization Certificate (Credit Union Charter)
- 1.06 Authorization Certificate (Credit Union Station)
- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

DEPARTMENT OF COMMERCE

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration
 - 2.03 Private School License
 - 2.04 Registered Manufacturer of Drugs and/or Devices
 - 2.05 Registered Pharmacy Certificate
 - 2.06 Registered Wholesaler of Drugs and/or Devices
 - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

- 1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters Other Than the Atlantic Ocean

Regulatory Affairs

- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District approvals
- 9.54 River Regulatory District approvals
- 9.55 Well Drilling Certificate of Registration

Solid Wastes

- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
 - 9.59 Certificate of Approval of Realty Subdivision Plans
 - 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
 - 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
 - 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
 - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazard Areas
 - 9.64 Permit Granted (for Use of State Maintained Flood Control Land)
 - 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
 - 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

1.00 Financing program for pollution control facilities for industrial firms and small businesses.

FACILITIES DEVELOPMENT CORPORATION

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants or easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF HEALTH

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Approval of Completed Works for Public Water Supply Improvements

2.02 Approval of Plans for Public Water Supply Improvements.

2.03 Certificate of Need (Health Related Facility - except Hospitals)

2.04 Certificate of Need (Hospitals)

2.05 Operating Certificate (Diagnostic and Treatment Center)

2.06 Operating Certificate (Health Related Facility)

2.07 Operating Certificate (Hospice)

2.08 Operating Certificate (Hospital)

2.09 Operating Certificate (Nursing Home)

2.10 Permit to Operate a Children's Overnight or Day Camp

2.11 Permit to Operate a Migrant Labor Camp

2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer

- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)

- 2.03 Operating Certificate (Inpatient Facility)
- 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commissions)

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

- 9.00 Recreation services programs.
- 10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)
 - 3.07 Operating Certificate (Special Care Home)
 - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

DIVISION OF SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Approval (Substances Abuse Services Program)

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Barge Canal
 - (e) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service

- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands [except Regional Permits (Snow Dumping)]
 - 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Construction, rehabilitation, expansion, or demolition of residential, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program

DIVISION OF YOUTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition and the funding or approval of such activities.

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

National Park Service

- 2.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgradings or abandonments of railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).

- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Rental Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans
- 10.422 Business and Industrial Loans
- 10.423 Community Facilities Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-In-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program

- 15.951 Water Resources Research and Technology -
Assistance to State Institutes
- 15.592 Water Research and Technology -
Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of
Obligations
- 20.310 Railroad Rehabilitation and Improvement -
Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality
Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support
Comprehensive Environmental Response, Compensation and
Liability (Super Fund)

*Numbers refer to the Catalog of Federal Domestic Assistance
Programs, 1980 and its two subsequent updates.

STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP

STATE AGENCIES

DEPARTMENT OF COMMERCE

1. Any action or provision of funds for the development or promotion of tourism related activities or development.
2. Any action involving the Seaway Trail.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. Planning, development, construction, major renovation, or expansion of facilities in the waterfront, including recreational improvement projects.
2. Advance assistance under the Small Communities and Rural Wastewater Treatment Grant Program and a subsequent construction grant subsidy.
3. Review of actions within National Register Districts pursuant to SEQR.

DIVISION OF HOUSING AND COMMUNITY RENEWAL

1. Provision of funding under the Rural Preservation Company Program.
2. Approval of funding for Rural Area Revitalization Program projects.

JOB DEVELOPMENT AUTHORITY

1. Provision of low interest mortgage loans to local nonprofit development corporations to finance commercial and industrial facilities.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

1. Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund
3. Planning, development, implementation or the provision of funding for recreation services programs.
4. Certification of properties within the National Register Districts.
5. Provision of funding for State and local historic preservation activities.
6. Review of Type I actions within the National Historic Districts.
7. Activities under the Urban Cultural Park program.

DEPARTMENT OF STATE

1. Provision of funding for the implementation of an approved LWRP.
2. Provision of funding under the Community Services Block Grant Program.

ST.LAWRENCE-EASTERN LAKE ONTARIO COMMISSION

1. Review of waterfront projects.
2. Provision of funds and/or technical assistance for the implementation of the LWRP.
3. Administration of funds and/or technical assistance which encourages the preservation, enhancement and development of natural and man-made coastal resources in the area of Henderson Bay and Black River Bay.

COUNCIL ON THE ARTS

1. Assistance from the Architecture and Environmental Arts program for a harborfront plan.

BLACK RIVER-ST. LAWRENCE REGIONAL PLANNING BOARD

1. Coordination of review with village and Department of State projects within the waterfront area.

DEPARTMENT OF TRANSPORTATION

1. Assistance for street repairs through the Consolidated Highway Improvements Program.

FEDERAL AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

1. Funding under the Urban Development Action Grant Program for core area and Madison Barracks projects.
2. Funding under the Community Development Block Grant Program for improvements in the waterfront.

DEPARTMENT OF DEFENSE

Corps of Engineers, Buffalo District

1. Review of any proposed action within a National Register District pursuant to NEPA.

Corps of Engineers, Huntsville Division

1. Determination of eligibility (and any related activity) of Madison Barracks for assistance under the Environmental Restoration Defense Fund.

DEPARTMENT OF THE INTERIOR

National Park Service

1. Provision of funding under the Land and Water Conservation Fund program.
2. Review of federal actions within the National Register Districts pursuant to NEPA.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

1. Continuation of Incentives for Qualified Building Rehabilitation
2. Provision of appropriate tax-exempt status for non-profit agencies active in the coastal area.

ECONOMIC DEVELOPMENT ADMINISTRATION

1. Assistance under the Public Works and Economic Development Act for street improvements.

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

1. Maintenance/rehabilitation of facilities.

SECTION VII

CONSULTATION WITH OTHER AFFECTED FEDERAL,
STATE, REGIONAL AND LOCAL AGENCIES

SECTION VII -- CONSULTATION WITH OTHER AFFECTED
FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

Several government agencies and local organizations were consulted during the preparation of this waterfront program. Local initiatives based on these consultations have already begun. These early efforts [have] resulted in (1) amendment of the zoning law to establish an historic preservation district; (2) establishment of a Rural Preservation Company through the Sackets Harbor Historical Society; (3) landscaping of the core area; and (4) expansion of boating facilities and establishment of a community boating program. These components involved consultations with the following:

Federal Agencies

Department of Commerce
Office of Coastal Resources Management
Office of Sea Grant
Department of Defense
West Point Military Academy
Army Corps of Engineers
Department of the Interior
National Parks Service
Small Business Administration

State Agencies

The Honorable John M. McHugh, NYS Senate
Department of Commerce
Department of State
Office of Parks, Recreation and Historic Preservation
Division of Housing and Community Renewal
St. Lawrence-Eastern Ontario Commission

Regional Agencies

Black River-St. Lawrence Regional Planning Board
Central New York Regional Planning Board

Local Agencies

Jefferson County Planning Board
Jefferson County Cooperative Extension
Town of Hounsfield
Village of Sackets Harbor, Board of Trustees
Village of Sackets Harbor, Planning Board
Village of Sackets Harbor, Waterfront Revitalization
Advisory Committee

In addition, discussions were initiated on matters relating to the harbor, Madison Barracks and community revitalization. The following additional agencies were contacted on these matters.

Federal Agencies

The Honorable David O'B. Martin, U.S. Congress
Department of Housing and Urban Development
Department of Transportation
U.S. Coast Guard
Department of Agriculture
Farmers Home Administration
National Trust for Historic Preservation
Department of Commerce
Economic Development Administration

The completed draft LWRP (with DEIS) was reviewed and approved by the Village Board and forwarded to the Secretary of State for review. At the same time, the local program was made available for review and comment by all affected government agencies and other interested parties. Since the NYS Department of State coordinated federal and State reviews, only those affected regional and local government agencies and other local organizations were consulted directly by the village.

Review comments on the draft LWRP and DEIS received at public hearings and/or in writing were analyzed by the Village Board, Local Waterfront Revitalization Advisory Committee, and program staff. The comments received and resulting changes made in the draft LWRP document are detailed in the Final EIS for the LWRP, which is kept on file for public inspection at the village office.

SECTION VIII
LOCAL COMMITMENT

SECTION VIII -- LOCAL COMMITMENT

Because a Local Waterfront Revitalization Program represents a partnership effort, a firm local commitment to the proposed program is expected before State action is taken on the submission. This section details the local support for Sackets Harbor's program.

To insure that the needs and desires of the community were reflected in the local program, the Mayor of Sackets Harbor appointed a Local Waterfront Revitalization Advisory Committee representing public and private interests and general citizenry. This committee, with assistance from program staff, held a series of meetings to contribute to and review sections of the program as they were drafted. Recommendations of the committee on completed sections were transmitted to the Village Board for consideration by the Mayor and Trustees.

In this manner, significant contributions of time, interest and expertise were drawn from Sackets Harbor's businessmen and residents into the preparation of the Local Waterfront Revitalization Program. Citizen input improved the data base, verified program information, evaluated various alternatives and expressed the values and concerns of the community.

Following the completion of the draft program, the Advisory Committee formally approved the draft and, by resolution, forwarded it to the Planning Board. Additional input from the Planning Board was received and revisions were made accordingly before the entire draft was submitted to the Village Board of Trustees. Upon approval of the Village Board, the draft document, including the draft EIS, were submitted to the NYS Department of State for distribution to federal and State agencies for a 60-day review period, required by Executive Law, Article 42. At the same time, the draft documents were filed and distributed as required by the SEQRA. As a result, there were a number of comments received from which further revisions and refinements needed in the LWRP were identified. These revisions and refinements were described in the final EIS and incorporated into the final LWRP document. The final program document, then, was adopted by the Village Board of Trustees and submitted to the NYS Secretary of State for approval.

APPENDIX A

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE I - USE CONTROLS

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED ACCESSORY USES	SPECIAL USES
SINGLE FAMILY RESIDENTIAL - SFR	The purpose is to promote low density residential uses and compatible development. Historic, cultural, recreational and coastal resources will be enhanced	Single family dwellings, churches, convents, community facilities (excluding facilities for treatment of alcoholics, mentally handicapped, drug addicted, etc.) public parks, private recreational facilities (excluding miniature golf courses), charitable institutions (excluding penal or correctional facilities), boarding houses, tourist homes, home occupations.	Private garages, signs, swimming pools, carports, patios, private greenhouses (non-commercial), etc.	Farm and farm structures, mortuary establishments, public utility facility (in keeping with uses in District), two family and multiple family dwelling, cemeteries.
GENERAL RESIDENTIAL DISTRICTS -GR	The purpose of this district is to promote a higher density of residential uses and a greater variation of residential uses. Historic, cultural and coastal resources will be enhanced.	Any uses listed as permitted in the SFR District, two family and multi-family dwellings, mobile home parks.	Private garages, signs, swimming pools, carports, patios, private greenhouses (non-commercial), etc.	Individual mobile homes, farms and farm structures, public utility facility (in keeping with uses in the District), cemeteries, mortuary establishments.
TOURISM AND RECREATION DISTRICTS - TR	The purpose of this district is to promote the historic, coastal, cultural, developmental, recreational and other resources that supplement a quality life style.	Any uses permitted in the SRF and CR Districts (excluding mobile home parks), camps or cottages, marinas, public or private beaches/parks and their associated facilities.	Boathouses, private garages, swimming pools, carports, patios, breakwalls, signs, private greenhouses (non-commercial), etc.	Hotels, motels, restaurants, tourist accommodations, camps, cabins, yacht/boating clubs, sportsmen's clubs, petroleum, storage areas, deep water port facilities, farms and farm structures, public utility facility, cemeteries, sales and rental of marine uses.
BUSINESS DISTRICTS -	The purpose of this district is to promote the business and commercial nature of the area. Historic, cultural, recreational and coastal resources will be enhanced.	Any uses permitted in the SFR and the CR (excluding mobile home parks), lending institutions, insurance companies, business and professional offices, retail and wholesale stores, hotels, motels, theaters, commercial service establishments, recreational and amusement centers, assembly facilities, restaurants.	Signs, private garages, swimming pools, carports, patios, private greenhouses (non-commercial) etc.	Automobile Service Station, motor vehicle sales.

DISTRICT	PURPOSE	PERMITTED USES	PERMITTED ACCESSORY USES	SPECIAL USES
INDUSTRIAL DISTRICTS - I	The purpose of this district is to promote the industrial sector and economy of the Village.	All uses listed herein are permitted only as they meet "site plan review criteria" established elsewhere in this Ordinance. Manufacturing plants (including assembling, processing, and fabricating), light industrial operation, public utility facility, and business and commercial uses listed in the B District are permitted. Motels, hotels, places of public assembly and residential uses are not permitted.	Signs and billboards, service buildings for the industrial or business uses, necessary utility structures and facilities and other similar accessory uses.	Petroleum Storage Areas
PLANNED DEVELOPMENT DISTRICTS - PD (floating)	The purpose of this district is to allow the Village the flexibility to vary certain requirements of this Law providing the development adheres to basic criteria, is of quality nature, and meets the overall intent and conditions set forth in this Law. The District allows a combination of residential, commercial and recreational uses.	Permitted uses include those residential uses previously mentioned (excluding mobile home parks), retail and service businesses, other commercial establishments, marine uses, churches, recreational enterprises, home occupations, beaches, parks, etc. No industrial uses will be permitted. P.D. District permitted uses shall comply with requirements of the respective supplemental schedule and site plan review criteria.	Signs, service buildings, private garages, community facility, swimming pools, patios, private greenhouses (non-commercial), etc.	
HISTORIC PRESERVATION - HP	The purpose of this district is to promote the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and preservation of the Village's historic and architectural resources.	All uses permitted by the zoning districts over which the Historic Preservation District overlaps are allowed, as long as they satisfy the historic preservation standards incorporated within this Law.		

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE II - LOT DIMENSIONS

DISTRICT AND USE	MAX. LOT COVERAGE	MIN. LOT AREA	MIN. LOT WIDTH	MIN. FRONT YARD	MIN. SIDE YARD	MIN. REAR YARD	MAX. BUILDING HEIGHT
SINGLE FAMILY RESIDENTIAL							
SFR							
Permitted Uses	50 %	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	25 ft.	35 ft.
Accessory Uses				30 ft.	15 ft. (1 side)	25 ft.	35 ft.
Other Permitted and Special Uses	50 %	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	25 ft.	35 ft.
Lot of Record	50 %	7,500 sq. ft.	50 ft.	30 ft.	15 ft.	25 ft.	35 ft.
GENERAL RESIDENTIAL							
DISTRICT - GR							
Permitted Uses	50 %	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	25 ft.	35 ft.
Accessory Uses				30 ft.	15 ft. (1 side)	25 ft.	35 ft.
Other Permitted and Special Uses	50 %	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	25 ft.	35 ft.
Lot of Record	50 %	7,500 sq. ft.	50 ft.	30 ft.	15 ft.	25 ft.	35 ft.
TOURISH AND RECREATIONAL							
DISTRICT - TR							
Permitted Uses	60 %		75 ft.	30 ft.	15 ft.	15 ft.	35 ft.
Residential		9,000 sq. ft.					
Non-residential		15,000 sq. ft.					
Accessory Uses				30 ft.	15 ft. (1 side)	15 ft.	35 ft.
Other Permitted and Special Uses	60 %	15,000 sq. ft.	75 ft.	30 ft.	15 ft.	15 ft.	35 ft.
Lot of Record	60 %	7,500 sq. ft.	50 ft.	30 ft.	15 ft.	15 ft.	35 ft.
BUSINESS DISTRICT - B							
Permitted Uses		3,000 sq. ft.	50 ft.	10 ft.		15 ft.	35 ft.
Accessory Uses			50 ft.	10 ft.		15 ft.	35 ft.
Other Permitted and Special Uses		3,000 sq. ft.	50 ft.	10 ft.		15 ft.	35 ft.
Lot of Record		1,500 sq. ft.	25 ft.	10 ft.		10 ft.	35 ft.
INDUSTRIAL DISTRICT - I							
Permitted Uses		15,000 sq. ft.	100 ft.	30 ft.	20 ft.	25 ft.	35 ft.
Accessory Uses				30 ft.	20 ft. (1 side)	25 ft.	35 ft.
Other Permitted and Special Uses		15,000 sq. ft.	100 ft.	30 ft.	20 ft.	25 ft.	35 ft.
Lot of Record		7,500 sq. ft.	50 ft.	30 ft.	20 ft.	25 ft.	35 ft.

PLANNED DEVELOPMENT
DISTRICT - PD (floating)
 all permitted uses

All lot dimensions for permitted uses, as noted, will be waived and will be at the discretion of the Planning Board and Village Board as per the requirements of Article VII - Section 6.

35 ft. (all structure)

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COASTAL MANAGEMENT CRITERIA

COASTAL ZONE DESCRIPTION	PURPOSE	PRIMARY AND ACCESSORY USES	PERFORMANCE CRITERIA (where appropriate)
<u>Off-Shore Zone</u> Lake Ontario, depths greater than 30' Fish habitat areas Water quality	To maintain or enhance aquatic biological resources; to protect inherent scenic qualities of Lake Ontario and the St. Lawrence River; to provide for recreational use of open waters; to provide for economic use of open waters.	1. Boating Navigation Aids 2. Shipping Navigation Aids 3. Water Supply Intake Systems	-Boats meet regulations with respect to waste disposal -No open lake/river waste disposal -Maintain scenic character -Minimal aquatic disturbance to plant or animal habitat
<u>Near-Shore Zone</u> Littoral zone (lake and river waters less than 30' deep) Embayments: water areas partially enclosed by land Lower reaches of lake and river tributaries (Lake Ontario and Mill Creek, from Lake to Military Road) Fish habitat areas	To maintain or enhance aquatic biological resources; to protect inherent scenic qualities of near shore and inland water areas; to provide for recreational use of shore waters; to provide for necessary support systems for recreational uses; to enhance maximum economic benefit from shore water areas where environmentally feasible; to give priority to water dependent uses, and reduce commitment to non-dependent uses.	1. Fishing, swimming, non-intensive recreation 2. Boating Marinas 3. Fish habitat and production management facilities 4. Recreation support systems	-Boats meet regulations with respect to waste disposal -Maintain water quality -Maintain scenic quality -Provision for public access -Maintain wildlife habitat -Minimal disturbances of aquatic/benthic communities
<u>Shoreline Zone</u> Shore physical phenomena: a) bluffs b) wetlands c) erodible shore areas Water hazards Wildlife habitats Poor soils	To maintain or enhance shoreline character; to maintain or improve scenic quality of shoreline areas; to maintain or improve wildlife habitat areas; to provide for general public access across the shoreline zone to the waterfront; to ensure availability of space for uses dependent upon shoreline location; to limit proliferation of uses not dependent upon shoreline location for their viability to maintain the functional integrity of shore resources; to preserve rare and unique shoreline features.	1. Wildlife habitat, management areas	-Facilities designed to adequately accommodate projected use -Adequate waste disposal facilities -Devices to limit access if resource lacks carrying capacity -Community facilities prefabricated; i.e., docks, boat houses, etc., designed to accommodate larger numbers rather than separate facility for each boat -Maintain scenic quality -Maintain wildlife and water quality -Preservation of rare and unique natural features -Systems designed with minimal intrusion into shoreline open space -Adequate waste control systems -Adequate setbacks to reduce possibility of flooding, erosion hazards, etc. -Minimum shoreline vegetation disturbance

GENERAL MANAGEMENT CRITERIA

COASTAL ZONE DESCRIPTION	PURPOSE	PRIMARY AND ACCESSORY USES	PERFORMANCE CRITERIA
<u>Coastal Stress Zone</u> -Water hazards (100-year flood plains) -Poor soils	To maintain functional integrity of flood plains; to protect human investment in areas with development limitations.	-Non-intensive recreation facilities -Agricultural activities -Structural development -(with appropriate development controls for construction and on-site water and sanitary systems)	-No permanent structures in wave and erosion hazard areas -Use of measures to minimize erosion in areas subject there -No permanent structures in 100-year flood plains -Flood-proofing of minor structures within 100-year flood plains -Adaptation of structures to poor soil conditions where possible
<u>Recreation Resources Zone</u> -New York State Parks and recreation facilities -Areas where groups of significant number of smaller facilities constitute general recreation-area	To maintain viability of sites as recreation resources; to enhance and expand utility of recreation resources to meet public needs; to provide adequate shoreline access, to enhance the quality and variety of outdoor recreation opportunities to users of the area; to minimize environmental degradation resulting from use of recreation facilities.	-Fishing, swimming, non-intensive recreation, camping, boat launches, historic resources, etc.	-Maintenance of recreational resources -Provision of water-contact access -Provision of adequate support and protective services: utilities, road access, launch areas, harbors of refuge, etc -Adequate treatment of wastes -Public access to shoreline
<u>Agricultural Resource Zone</u> -Areas of prime agricultural soils -Areas of active farming operations	To protect and enhance existing agricultural activity; to maintain resource integrity for farming operations; to promote expansion of farming activity on prime ag soils; to minimize the commitment of prime soils to non-agricultural uses.	-Structural development -residential and commercial	-Provide for measures to minimize erosion and agricultural runoff of silt, fertilizers and chemicals -Developments, singly or cumulatively, will not diminish significantly the use of land for agricultural purposes -Rural or semi-rural farm character will be maintained

COASTAL MANAGEMENT CRITERIA

COASTAL ZONE DESCRIPTION	PURPOSE	PRIMARY AND ACCESSORY USES	PERFORMANCE CRITERIA
<p><u>Urban Zone</u></p> <ul style="list-style-type: none"> -Areas with water and sewer services -Developed urban infrastructure: traffic and street system, range of commercial services -Generally already committed land uses 	<p>To enhance and improve community aesthetic quality; to maintain viable residential, commercial and service structure; to promote development expansion in areas most suitable for supporting them; to encourage and promote economic growth, stability, and production; to minimize environmental degradation.</p>	<ul style="list-style-type: none"> -Planned Development Districts -Tourism and recreation facilities -Permitted industries 	<ul style="list-style-type: none"> -Utilization of existing service infrastructure -Adequate and proper treatment and disposal of wastes -Enhance aesthetic qualities -Enhance and preserve historic areas -Public access priority
<p><u>Shoreline Strip Zone</u></p> <ul style="list-style-type: none"> -Residential developments adjacent to lake, river and related hydrologic features -Cottages and primarily recreation-oriented residential (seasonal/transient) -Variety of basic commercial services (such as gas stations, food stores, marinas, etc.) 	<p>To maintain or reduce the current level of coastal sites committed to development; to promote the removal of structures in hazard areas; to ensure that only coastal dependent uses are located in shoreline areas; to reduce environmental degradation.</p>	<ul style="list-style-type: none"> -Large Residential uses -Recreation uses -Public access -Industrial water dependent uses 	<p>Same as Urban Zone Criteria</p>

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- (b) Erosion Hazard Areas - There are certain areas along the shoreline that are conducive to erosion characteristics. Within and adjacent to the State designated Erosion Hazard Areas the following site plan review criteria will be administered by the Planning Board. The Board shall set the specific standards and conditions whereby land uses and development will be protected from erosion situations. The criteria used to establish such conditions are:
- (a) land use development standards for minimum setback requirements, prevention of erosion to site or adjacent sites, prevention of adverse affects to natural resources, and consideration of alternative sites or designs which would have least effect on coastal resources.
 - (b) erosion protection standards for design and construction of erosion protection structures, and prohibition of such structures which would unreasonably increase erosion or be located in areas of substantial wildlife habitat unless adequate mitigation measures are incorporated into the design.
 - (c) restoration and stabilization standards to insure that land areas are maintained and where necessary restored to minimize erosion to other lands.

The standards mentioned above may be modified if certain criteria can be met including lack of prudent alternative site, public benefits that outweigh the long-range adverse effects of the project, and all reasonable mitigative measures have been incorporated into the project.

It should be noted that the standards include a provision that erosion be controlled for at least a 30-year period. In recognition of the difficulties associated with the delineation of erosion hazard areas, the State legislation defines them as areas where erosion might be expected to damage structures within a period of forty years from the date such identification is made. A fixed line would be drawn on a map showing the expected inland extent of erosion over the forty-year period. All new development in such hazard areas would be reviewed to insure that it is set back from the shoreline, as it exists at the time a permit is applied for, a sufficient distance to ensure protection from erosion over a thirty-year period.

Over time, this thirty-year setback line will move further inland as the shoreline erodes. If recession rate calculations are correct, this setback line will meet the fixed forty-year erosion hazard area limit ten years after its identification. Consequently, the State legislation requires that the limits of an identified hazard area be reviewed and adjusted at least once every ten years. (It should also be noted that a shoreline may accrete; in such situations, the thirty-year setback line would move in the direction of the water to keep pace with the accretion)

The State Erosion Hazard Areas identification for the Village shall be adopted as part of this Law and the above regulations shall be administered for those areas so identified. Such areas shall be delineated on the Coastal Area Map and become a part of this Law. The Village reserves the right to further amend this portion of the Law once State standards are recommended.

- (c) Uses of Regional Importance - There are certain uses which provide services or benefits to citizens of more than one local unit of government and, in fact, have a regional and national interest. These uses may be found within the broad categories of: Energy production/transmission; Interstate recreation; Interstate Transportation; Production of food and fiber; Preservation of life and property; National defense; Historic, cultural, aesthetic and conservation values; Mineral extraction.

Such uses shall be identified by the State and Federal governments and shall be incorporated into plans, programs, and policies on such topics (i.e. State Energy Master Plan). As a part of this section the local unit of government has a right to appeal these sitings or may prescribe fair standards for their implementation and construction. Some of those standards have been stipulated in the Coastal Management Criteria charts. Local regulations of such uses must be reasonable, not arbitrary and capricious, and must consider the regional and national interests involved.

Whether or not there is a "national interest" in the siting of a particular use or facility of regional benefit will depend on the circumstances: the nature or relative size of the area or facility, the size of the "market" that is to be served, its specific contribution to satisfaction of a national requirement, or a determination to that effect by a responsible federal agency.

2. In specific districts (as noted) the following uses and regulations shall apply:

- A. Home occupation uses are permitted in the SFR, GR, TR, B & PD districts. Following are a list of criteria that they must meet:

- (1) not more than five people shall be employed at such a use.
- (2) the use must be conducted within the dwelling.
- (3) one identification sign is permitted and shall not exceed foursquare feet in area.
- (4) off-street parking space requirements, as identified in this Article, shall be adhered to.
- (5) no unsafe traffic conditions shall be produced by vehicles at the use, sign placement, etc.
- (6) no objectionable odors, noise or unsightly conditions shall be encountered by neighboring properties.

- B. Public and private recreation facilities are permitted in the SFR, GR, TR, B and PD districts. Following are a list of criteria they must meet:

- (1) they shall be located at least 50 feet from a lot or street line.
- (2) if it is a commercial facility and is intended to serve a membership or clientele over 25 people on a regular basis the facility shall not be closer than 100 feet to a residential lot line.

APPENDIX B

POLICY 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

A. 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 contained primarily in Article 5 of the New York State Energy Law. That Article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program.

The Department of State will comment on the State Energy Master Plan; 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 coastal area are made consistent with coastal policies.

B. State Means for Implementing the Policy

1. Energy Law (Article 5)

Under this law an Energy Planning Board was established. As required, the Board prepared and adopted the first State Energy Master Plan which is currently in effect. The Board is now considering an updated plan. See Section 7 of this document for a more detailed discussion of this plan.

2. Public Service Law (Article VIII) - Siting of Major Steam Electric Generating Facilities

Before preparation of a site or the construction of a major steam electric generating facility can commence, a Certificate of Environmental Compatibility and Public Need must be issued by the New York State Board on Electric Generation Siting and the Environment. This process is described in detail in Section 7. In granting this certificate, the Board must determine that the facility:

- o Represents the minimum adverse environmental impact, considering the state of available technology; the nature and economics of the various alternatives; and the interests of the state with respect to aesthetics, preservation of historic sites, forests and parks, fish and wildlife, and viable agricultural lands;
- o Complies with applicable State laws concerning, among other matters, the environment and public health and safety;
- o Serves the public interest, convenience and necessity.

The regulations which implement Article VIII and govern the Board's decision (see Appendix A, #7) assure that this decision will be compatible with the policies articulated in this document, both those relating to environmental protection and to economic development.

To further ensure compatibility, the Department of State will review applications and may present testimony during proceedings

involving facilities proposed to be sited in coastal areas. When reviewing applications, the Department will examine the required description of reasonable alternate locations as well as the rationale for the preferred site, particularly with respect to potential land uses on or near the proposed site, and the justification for the amount of shore-front land to be used. Proposed uses which are likely to be regarded by the Department as requiring a shorefront location include:

- o Uses involved in sea/land transfer of goods (docks, pipelines, short term storage facilities);
- o Uses requiring large quantities of water (hydroelectric power plants, pumped storage power plants); and,
- o Uses that rely heavily on waterborne transportation of raw materials or products which are difficult to transport on land.

3. Public Service Law (Article VII) - Siting of Major Utility Transmission Facilities

Prior to the construction of a major electric or fuel gas transmission facility, a Certificate of Environmental Compatibility and Public Need must be granted by the Public Service Commission. See Section 7 of this document for a detailed description of this process. In issuing a certificate, the Commission must determine that the facility:

- o Represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives;
- o Conforms with applicable State laws;
- o Serves the public interest, convenience and necessity.

As with steam electric generating plants, the Department of State will review applications and may present testimony during proceedings involving transmission facilities proposed to be sited in the coastal area. The Department will examine the same matters as under Article VIII. It will also use the same

criteria to determine the need for a shore-front location and the consistency of the proposal with coastal policies.

Interstate transmission facilities, such as gas and petroleum pipelines, coal slurry pipelines and electric transmission lines associated with hydroelectric facilities, are regulated by Federal agencies. Through Federal consistency provisions, such facilities will be sited in a manner that is consistent with the Program's policies.

4. Environmental Conservation Law (Article 23, Title 17) - Liquefied Natural and Petroleum Gas

All liquefied natural gas (LNG) and liquefied petroleum gas (LPG) facilities, must obtain an environmental safety permit before construction and operation. For a permit to be granted, it must be shown that such facilities would not endanger residential areas and contiguous populations and would otherwise conform to siting criteria established by the Department of Environmental Conservation. During the review of proposed projects, consideration is given to: the location of the proposed facility; the design and capacity of the facility; expected sources of the gas; methods of transporting gas to and from the facility and transportation routes; the public need for the facility; its environmental impacts; and, descriptions of reasonable alternate locations for the facility.

5. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42)

Section 919 of Article 42 requires 1) that State agencies' actions, including direct energy development activities such as those undertaken by the Power Authority of the State of New York, must be consistent with the environmental protection and development policies of this act. This provision of law is implemented by amendments to SEQR (below) and by DOS regulations. DOS regulations (19 NYCRR Part 600) provide that, for their direct actions which do not have a significant effect on the environment, State agencies certify that the action is consistent with the coastal policies, 2) that the Secretary of State shall review actions

of State agencies that may affect achievement of the policy, and 3) that SEOR regulations be amended to reflect consideration of coastal resources.

Section 2 of the Act requires that State agencies analyze their programs' consistency with coastal policies and that the Secretary of State recommend any needed modifications to the Governor and the Legislature.

6. State Environmental Quality Review Act, Environmental Conservation Law (Article 8)

Under the State Environmental Quality Review Act, State agencies and local governments are required to prepare an environmental impact statement for any action that might have a significant impact upon the environment. This requirement applies to large scale energy facilities other than transmission lines and steam electric generating plants as described above. The environment is broadly defined to include existing patterns of development and land resources. Actions which have been subject to an environmental impact statement must, consistent with social, economic, and other essential considerations, minimize or avoid, to the maximum extent practicable, the adverse environmental effects revealed in the impact statement (ECL §8-0109-8). In addition, pursuant to Article 42 of the Executive Law, SEOR regulations are amended to require that for actions by a State agency for which an EIS has been prepared, such actions shall be consistent with the coastal policies.

7. Water Resources Law, Environmental Conservation Law (Article 15)

Proposals, including those to construct all pipelines, which would excavate or deposit fill in any navigable waters and adjacent marshes and estuaries of the State require permits issued by the Department of Environmental Conservation.

8. Tidal Wetlands Act, Environmental Conservation Law (Article 25)

The Tidal Wetlands Act requires that a permit be issued for uses, including oil pipelines, in identified tidal wetlands. It must be demonstrated that proposed facilities will

not adversely affect water quality, flood and storm control, marine food production, wild-life habitats, open space, and aesthetically significant areas.

9. Freshwater Wetlands Act, Environmental Conservation Law (Article 24)

The Freshwater Wetlands Act requires that a permit be issued for uses, including oil pipelines, in identified freshwater wetlands. It must be demonstrated that proposed facilities will not adversely affect water quality, flood and storm control, erosion control, subsurface water resources, wildlife habitats, freshwater fish sanctuaries, open space, and aesthetically significant areas.

10. Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12, Section 170 et. seq.)

This Article provides for the protection of the State's environment and economy by preventing unregulated discharge of petroleum from major facilities; by authorizing the Departments of Environmental Conservation and Transportation to respond quickly to remove any discharges; and by establishing liability for any damages sustained within the State as a result of such discharges.

The Article also creates a fund for clean-up, restoration and compensation for damages caused by oil spills. Before a license to construct a major oil facility can be issued by the Department of Transportation, an applicant must pay the required fee to help maintain the fund and must show that the necessary equipment to prevent, contain and remove petroleum discharges will be provided. The Department will issue licenses for major onshore facilities only after the Department of Environmental Conservation has certified that the applicant has the necessary equipment to control oil discharges.

11. State Pollutant Discharge Elimination System, Environmental Conservation Law (Article 27)

This Article requires permits for construction of new outlets or new disposal systems to discharge industrial and other wastes into State waters, including wastes from nuclear power plants, other steam electric generating

plants, and petroleum facilities. This permit procedure ensures that established water quality standards are met.

12. Air Pollution Control, Environmental Conservation Law (Article 19, Title 3)

This Article gives the Department of Environmental Conservation the authority to promulgate and enforce regulations controlling air emissions, including those released by energy facilities. These regulations appear in the State Implementation Plan which details State strategies for meeting Federal air quality standards under the Clean Air Act.

POLICY 29 Encourage the development of energy resources on the Outer Continental Shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

A. Explanation of Policy

The State recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS) or in Lake Erie. The State has been encouraging the wise development of both.

Matters pertaining to the OCS are the responsibility of the Department of Environmental Conservation. In 1977, the Department, in cooperation with regional and local agencies, completed a study which identified potential sites along the marine coast for on-shore OCS facilities. To date, these sites have not been developed for this purpose. The Department, also, actively participates in the OCS planning process by reviewing and voicing the State's concerns about federal OCS oil and gas lease sales and plans. In its review of these proposed sales and plans, the Department considers a number of factors such as the effects upon navigational safety in the established traffic lanes leading into and from New York Harbor; the impacts upon important finfish, shellfish and wildlife populations and their spawning areas; economic and other effects upon commercial and recreational fishing activities; impacts upon public recreational resources and opportunities along the marine coast; the potential for geohazards; impacts upon biological communities; and water quality.

The Department of Environmental Conservation has also examined the potential impacts of Lake Erie gas drilling and is instituting reasonable guidelines so that activities can proceed without damage to public water supplies and other valuable coastal resources. State law prohibits development of wells nearer than one-half mile from the shoreline, two miles from public water supply intakes, and one thousand feet from any other structure or installation in or on Lake Erie. Further, State law prohibits production of liquid hydrocarbons in Lake Erie, either alone or in association with natural gas. The Department has not, however, reached a decision as to whether or not the lands under Lake Erie will be leased for gas exploration purposes.

B. State Means for Implementing the Policy

1. Environmental Conservation Law (Section 23-1101)

The Department of Environmental Conservation may lease the lands beneath Lake Erie according to specific siting, operation, and liability requirements. Thus the State's environmental agency will retain control over the process and ensure appropriate environmental safeguards. The production of liquid hydrocarbons is, however, prohibited by this Article.

2. Environmental Conservation Law (Section 23-0305)

This law provides that the Department of Environmental Conservation will retain jurisdiction over any active or abandoned wells and wellheads and may limit production. The Department may act to terminate hazardous discharges which threaten natural resources. Under this law, producers and handlers must maintain accurate records of quantities of gas handled.

3. Siting of Major Utility Transmission Facilities, Public Service Law (Article VII)

This law establishes procedures to be followed by developers of natural gas in the construction of any gathering pipelines from wellheads and any master collecting pipelines in accordance with the environmental considerations of this Article as discussed under the previous policy.

4. Public Service Law (Article 4, Section 66)

Under this law, the Public Service Commission regulates the safe construction and operation of natural gas pipelines from the wellhead to any onshore connection.

5. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42)

See description under Policy 27.

6. State Environmental Quality Review Act, Environmental Conservation Law (Section 8-0113)

See description under Policy 27.

7. Water Resources Law, Environmental Conservation Law (Article 15)

See description under Policy 27.

8. Freshwater Wetlands Act, Environmental Conservation Act (Article 24)

See description under Policy 27.

9. Freshwater Wetlands Act, Environmental Conservation Act (Article 24)

See description under Policy 27.

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.

A. Explanation of Policy

The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility "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 by the siting board when evaluating an applicant's request to construct a new steam electric generating facility.

B. State Means for Implementing the Policy

1. Siting of Major Steam Electric Generation Facilities, Public Service Law (Article VIII)
2. Thermal Discharge Regulation, Environmental Conservation Law (Article 17, Title 3, 6 NYCRR, Part 704)

POLICY 41 Land use or development in the coastal area will not cause National or State air quality standards to be violated.

A. Explanation of Policy

New York's Coastal Management 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 coastal area.

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

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

B. State Means for Implementing the Policy

1. Air Pollution Control Act, Environmental Conservation Law (Article 19), Environmental Quality Bond Act, Environmental Conservation Law (Article 15, Title 5) and Hazardous Substance Act, Environmental Conservation Law (Article 37).

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.

A. Explanation of Policy

The policies of the State and local coastal management programs 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 prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

B. State Means for Implementing the Policy

1. Air Pollution Control Act, Environmental Conservation Law (Article 19)

This law provides the Department of Environmental Conservation with the authority to designate areas of the State based upon degree of pollution that may be permitted. It allows the Department to consider that what may be proper for a residential area, for example, may not be proper for a highly developed industrial area.

2. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42)

Section 919 of Article 42 requires 1) that State agencies actions, including funding, planning, and land transactions, as well as direct development activities, must be consistent with the policies of this act, 2) that the Secretary of State shall review actions of State agencies that may affect achievement of the policy, and 3) that SEQR regulations be amended to reflect consideration and impacts on the use and conservation of coastal resources.

Section 2 of the Act requires that State agencies analyze their programs' consistency with coastal policies and that the Secretary of State recommend any needed modifications to the Governor and the Legislature.

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.

A. Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management 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.

B. State Means for Implementing the Policy

1. Air Pollution Control Act, Environmental Conservation Law (Article 19).
2. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42).

Section 919 of Article 42 requires 1) that State agencies actions, including funding, planning, and land transactions, as well as direct development activities, must be consistent with the policies of this act, 2) that the Secretary of State shall review actions of State agencies that may affect achievement of the policy, and 3) that SEQR regulations be amended to reflect consideration of impacts on the use and conservation of coastal resources.

Section 2 of the Act requires that State agencies analyze their programs' consistency with coastal policies and that the Secretary of State recommend any needed modifications to the Governor and the Legislature.