

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

A. Local Laws and Regulations Necessary to Implement the LWRP

1. Existing Local Laws and Regulations

a. Zoning Ordinance

The Village Zoning Ordinance regulates the nature and intensity of use of land in the coastal area. The existing regulations are in need of major revision (see 2.a. below).

b. Building Code

The Building Code regulates construction practices, including those related to safety and fire protection.

c. Flood Damage Prevention Regulations

This regulation, adopted pursuant to the Federal Flood Insurance Program controls the location and type of construction in the flood hazard area to prevent damage to property.

d. Sewers and Sewage Disposal Ordinance

This ordinance establishes regulations, procedures and standards for the installation and operation of sewage disposal systems.

e. Boat Ordinance

This ordinance regulates noise and speed of power boats in waters within the jurisdiction of the Village.

2. Proposed New or Revised Local Laws and Regulations

a. Zoning Amendments

The major regulatory tool to control and shape land and water use in the coastal area is zoning. The Village's existing zoning regulations, adopted over 25 years ago, are generally outdated and do not address at all the particular concerns involved in waterfront planning and development. Major amendments to the Village Zoning law are proposed to reflect the extreme diversity of natural features and development in the coastal area and to provide the appropriate techniques to achieve land use objectives for the waterfront.

Due to the limitations of the existing zoning regulations it will be necessary to create several completely new zoning

districts, as described in Section IV and delineated on Map No. 8.

b. Historic District

Although the entire south side does not apparently warrant nomination as an historic district on the National Register of Historic Places, certain buildings do merit such a designation. Furthermore, an historic district can be designated under local law. Such a local law would provide some measure of review of actions related to the historic character of the area, could help property owners qualify for certain tax benefits, and would serve to officially establish the historic nature of the area.

c. Waterfront Commission

A new local law to establish and define the powers of the Waterfront Commission described in Section V, C., below will be necessary.

d. Local SEQR Law

The provisions of the State Environmental Quality Review Act have applied to local government since 1978. However, it would be useful to adopt a local law which specifically establishes the role of local government agencies in the process (particularly the Waterfront Commission) and identifies SEQR as a local responsibility. The SEQR provisions can be very useful in identifying and dealing with important issues in the environmentally sensitive waterfront area.

B. Other Public and Private Actions Necessary to Implement the LWRP

1. Local Government Actions

All of the necessary local government actions to implement the LWRP are either specific projects, described in Section IV, B., or legislative actions, described in Section V., A.

2. Private Actions

An important objective of the LWRP is to encourage private actions that complement or support public policies and actions toward waterfront revitalization. Four such actions have been identified and described in Section IV. B. The nature of the private involvement is discussed below.

a. Lighthouse Stabilization

Private involvement in the Lighthouse is necessary in two ways..

- (1) Both legally and administratively, lighthouse stabilization and restoration is best guided by a private, non-profit organization with the specific interest and focus to devote the considerable effort required. Such an organization must be established (or an existing one be designated) as soon as possible to solicit and administer the funds for the immediate stabilization work required. At the same time, a detailed feasibility study for long-term use and operation must be undertaken.
- (2) The feasibility study should identify the nature and role of possible private entrepreneurial involvement in the lighthouse as part of future restoration and use. Should such potential exist, it should be encouraged by such financial and legal means as can be made available by local, state and federal cooperation.

b. Rehabilitation of South Side Buildings

Rehabilitation of deteriorating buildings on the south side can best be accomplished through a public-private partnership. The Village (possibly with state and federal assistance via the Small Cities program) can spearhead the effort and offer such inducements as new or improved public facilities and services and even direct financial assistance to property owners. However, each property owner must participate in the rehabilitation of the individual structure.

c. Bulkhead Repair

Repair of the bulkheads along the Esopus Creek is both a public and private concern. In some instances, public coordination and assistance may be appropriate. However, each property owner must assume major responsibility for bulkhead repair in order to protect his property as well as to preserve the waterway.

d. New Maritime Commercial Uses

One of the important objectives of the LWRP is to establish the proper climate and development regulations to generate new water dependent and related commercial uses. Many of the public actions described previously are aimed directly toward this goal. Opportunities for new maritime commercial uses must be actively promoted by the Village and a cooperative relationship with potential private users established.

C. Management Structure Necessary to Implement the LWRP

1. Lead Agency and Responsible Official

Due to the Village's small size and limited staff and financial resources, the proposed management structure is based primarily on existing administrative bodies and functions. The proposed structure, illustrated on Exhibit A, depends on the creation of a new Waterfront Commission with the following functions:

- a. To advise the Village Board;
- b. To coordinate activities in the coastal area;
- c. To review local, state and federal actions for consistency with local policies and also to serve as a review body under the local SEQR law.

The chairman of the Waterfront Commission would be the Village Board member designated as the Waterfront Commissioner.

It is suggested that the Commission consist of seven members and that representation be similar to that of the Waterfront Advisory Committee that has guided preparation of the LWRP.

While most administrative procedures and functions would continue to operate as they do now, those within the coastal area would be coordinated by the Waterfront Commission. The Commission would draw upon existing Village staff or consultant services in the performance of its tasks.

2. Procedures for Compliance and Consistency with the LWRP

Both public and private actions in the waterfront area affect the development program. The proposed Waterfront Commission should have the authority, in addition to its other functions, to review proposed actions prior to their approval to determine how such action relates to the policies and objectives established for the coastal area. The Commission would be given the opportunity to review a proposed action and recommend approval, disapproval or modifications.

Since this authority would include actions not covered by zoning, a separate local law is proposed to require the Waterfront Commission to review the following actions within the coastal area:

- a. All requests for zone changes, variances or special permits as permitted under the zoning regulations;
- b. Site development plans for all proposed uses other than single family homes;
- c. Plans for construction, modification or demolition of public buildings or facilities including streets, parks, utilities, etc.;

- d. Exterior modifications to buildings previously identified as having historic or aesthetic significance.

The law should require at least a three-quarter vote of the approving agency to overrule the Commission.

The Waterfront Commission would also serve as the body to review proposed state and federal actions and coordinate review with the Departments of State and Environmental Conservation to ensure consistency with the LWRP.

D. Financial Resources to Implement the LWRP

1. Proposed Projects

The Village's financial resources are limited. In the past five years, major sewer and water improvement projects have been undertaken which required the Village to assume approximately half of the \$7,000,000 total cost. Nevertheless, it is anticipated that financial resources will be available to accomplish some of the first priority projects.

Those projects which will be initiated with local resources include revision of the zoning regulations and establishing an historic district. The initial stage of the proposed waterfront park may be undertaken with Village resources although additional funds will be required for long term development.

Funding for the major storm sewer separation has been committed. The New York State Department of Transportation has agreed to finance all work on Route 9W, representing approximately 60 percent of the total cost, while the Village has agreed to complete the remainder of the program.

2. Other Public and Private Implementation Actions

No other public actions require financial commitment. Private financial resources will be identified as specific development proposals are proposed.

3. Management of the LWRP

The management program will be undertaken as an integral part of Village administration, using existing officials, staff and volunteers, and does not require the commitment of any additional financial resources.

E. Summary Chart of Action Implementing Local Policies

See Chart II, Proposed Public and Private Projects.

CHART III

MANAGEMENT STRUCTURE

