

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **Section III LWRP Policies**

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act establishes public policies for the State's coastal areas and inland waterways. These policies are general statements established to address changes occurring in New York State's diverse inland waterways and waterfront areas. A major purpose of this Local Waterfront Revitalization Program (LWRP) is to specify how these broad statewide policies will apply to the Town and Village of Waterford.

The underlying principal of these policies is that the waterfront, its historic and natural resource areas are valuable, irreplaceable and limited resources that will be protected and enhanced and appropriately used. It means that priority will be given to new development or uses that rely or capitalize on a waterfront location or otherwise enhance the region's tourism and economic development goals for the canal corridor. It also means ensuring that new development also reflects and maintains the positive and distinguishing characteristics of the surrounding neighborhoods and that opportunities for public access to and enjoyment of the waterfront be provided to the maximum extent feasible.

The following paragraphs examine applicable State policies with regard to conditions, problems, and opportunities associated with the waterfront areas in the Town and Village of Waterford.

#### **GENERAL POLICY**

**Policy 1. Foster a pattern of development in the waterfront revitalization area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.**

The vitality of waterfront communities is a critical component of the character of New York's waterfront areas. Focusing investment to sustain these communities as centers of activity enhances their vitality and protects the remaining open landscape that provides ecological and scenic value.

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

The Village of Waterford is a small, compact, densely-built, and well-defined area. With the exception of the Broad Street commercial district, the village is nearly all residential.

However, parks, trails, and community uses such as government buildings, schools, churches, community centers and fire departments are scattered throughout the

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

neighborhoods, particularly in the northern portion of the village. Shoreline areas along the Hudson and Mohawk rivers and Erie and Champlain canals include recreational and residential uses and have recently benefited from numerous improvements, including the completion of a visitor welcome center, a waterfront promenade, and several small street-end parks along the canal, all of which are located along the canal in the area known as the waterfront promenade.

The Town of Waterford is less well-defined. Like the Village, the Town is predominantly residential, with the exception of the Route 4/32 corridor and portions of Saratoga Avenue. Nearly all industrial uses, and a limited number of commercial establishments, are located along the Route 4/32 corridor (Hudson River Road). Ursula of Switzerland, which occupies the former Ormsby-Laughlin Textile Mill, is located along the Mohawk River in the Northside/Saratoga sub-area. Most commercial uses are located at the southern end of Saratoga Avenue or along Route 4/32 (Hudson River Road). Shoreline areas of the Hudson and Mohawk Rivers and Erie and Champlain Canals are predominantly in residential or recreational use, with concentrations of summer camp residences scattered along the Hudson and Mohawk River shorelines.

Development within the Town and Village of Waterford is constrained by a number of environmental factors including floodplain areas, steep slopes and wetlands. Shoreline areas in several locations are protected as land conservation districts under Town and Village zoning ordinances. The majority of the land between the old Champlain Canal and the Hudson and Mohawk Rivers lies within the 100-year flood plain, with small areas just beyond the 100-year boundary lying within the 500-year flood plain. Small, isolated areas within the 100-year flood plain boundary are also designated 500-year flood zones. The largest of these areas exists on the eastern edge of the Champlain Canal within the Village, and around the northeast and eastern edges of Peebles Island.

Steep slopes preclude most development in many areas of the Town, although some of these areas, particularly along the Mohawk River in the Upper Mohawk sub-area, have begun to be developed for residential use. Within the waterfront revitalization area, steep slopes are concentrated in the southwestern section of the Hudson River Road sub-area and the Lower Mohawk/South Waterford Flight sub-area.

Wetland areas are located exclusively in the Hudson River Road sub-area to the north of the Village's northern boundary. One wetland area is located between the Champlain Canal and the Conrail right-of-way, another wetland area is located between the railroad right-of-way and Hudson River Road, and a third wetland area is located between Hudson River Road and the Hudson River shoreline.

Both the Town and the Village have numerous parks and recreational amenities such as trails. Both municipalities hope to expand these facilities in the future, particularly in shoreline areas.

### Town & Village of Waterford Local Waterfront Revitalization Program

The following policy standards apply to the Town and Village of Waterford with respect to Policy 1.

#### 1.1 Maintain and enhance natural areas, recreation and open space.

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

As noted above, the shoreline areas of the Town and Village of Waterford include a number of environmentally sensitive features, including wetlands, flood prone areas, and steep slopes. Shoreline areas also include numerous recreation, water-dependent, and water-enhanced uses, including the waterfront promenade, boat launch, street-end parks and seasonal floating docks along the Erie Canal in the Village; NYS boat launch (Alcathy's); the Waterford Flight; Clement Park; Soldiers and Sailors and Knickerbacker parks; Fourth Street Park, and Garrett Field. The areas above, below, and adjacent to the Cohoes Falls along the Mohawk River shoreline are important open space areas with spectacular scenic views. These areas will be protected, enhanced through creation of additional public access points, and developed with caution, preserving public access opportunities and scenic qualities of this area. This is particularly true in the area beyond Mountainview Avenue and Catallo Drive, which is generally bounded by the Mohawk River, Erie Canal and the developed portion of the Town.

Environmentally sensitive shoreline areas (see [wetland areas](#) and [floodplains](#) maps) will not be destroyed or damaged by major commercial or industrial development. Existing water-dependent and enhanced uses, including the NYS Boat Launch (former Alcathy's); Erie Canal Locks 2-6 (including power house building and open space); Waterford Flight shoreline areas; the five Mohawk River islands; and existing and future waterfront trail segments, will be improved and enhanced.

Vacant parcels outside environmentally sensitive areas in the Hudson River Road sub-area will be considered appropriate for additional industrial and commercial development. Many parcels outside of environmentally sensitive areas are occupied by residential, commercial and industrial uses, and General Electric (now Momentive) has bought much of the vacant land in the Hudson River Road sub-area (see [existing land use](#) map). New uses in shoreline areas will be appropriately screened and buffered from public view, with areas of natural vegetation retained. In addition, the Town and Village will encourage the introduction of screening and buffering as part of changes in use or redevelopment in waterfront revitalization areas.

To the greatest extent feasible, shoreline areas of the Hudson River, Mohawk River, Erie

### **Town & Village of Waterford Local Waterfront Revitalization Program**

Canal and Champlain Canal will continue to be developed for public access and enjoyment via trail development and development and improvement of recreational facilities that will not degrade the natural environment or detract from water-dependent uses. Additionally, new development in shoreline areas will be encouraged during building permit and site plan review processes to incorporate opportunities for public access to waterfront areas and continuation and maintenance of waterfront trail segments to the greatest extent feasible.

#### **1.2 Concentrate development and redevelopment in or adjacent to the Village as well as portions of the Town that have already been developed.**

The Town and Village of Waterford will provide a variety of housing opportunities; commercial, service and cultural activities; and industrial uses. To the extent feasible, new development will be located where infrastructure already exists or can be economically upgraded to accommodate new development.

The Route 4/32 (Hudson River Road) corridor and the southern section of Saratoga Avenue are areas within the Town of Waterford that already contain a variety of land uses and commercial and industrial facilities. The majority of commercial uses in the Village of Waterford are located along Broad Street and portions of Third and Fourth Streets. All development that does not directly support, maintain or complement water uses and waterfront revitalization efforts will be restricted to and encouraged in these existing commercial areas to the maximum extent feasible. New residential uses will be restricted to areas where development already exists (or where approvals for additional development have already been granted), or will be restricted to housing rehabilitation and upper floor residential uses in downtown commercial buildings.

If new residential uses are proposed within the LWRP's designated waterfront revitalization area, the following guidelines will apply:

- ▶ A public right-of-way shall be maintained between the canal or river shoreline and the residential property line to allow for continued visual and physical public access. The width of the right-of-way shall correspond to existing land conservation district boundaries established in Town and Village of Waterford Zoning Ordinances. In areas where such boundaries have not been established, Town and Village Planning boards shall use their discretion, using similar areas elsewhere in Waterford as a guide. Guidelines set forth in Policy 2 below shall also apply.
- ▶ Residential uses shall be clustered to maximize the use and enjoyment of open space.

### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **1.3 Restrict land uses along the shorelines of the waterfront area to uses that are water dependent or water-enhanced.**

With the exception of land on the north side of the Waterford Flight; land between the Mohawk River, Mountainview Avenue, and the Waterford Flight; and Peebles and the other islands, most shorelines areas in the Town and Village of Waterford have already been developed. The area most vulnerable to new development is located along the Mohawk River above and below the Cohoes Falls. If development occurs in these undeveloped or minimally developed waterfront areas in the future, preference will be given to water-dependent or water-enhanced uses where appropriate, and other related uses that rely, depend on, or can capitalize on a waterfront location.

#### **1.4 Encourage commercial redevelopment in identified business district areas.**

The Village of Waterford's commercial district is concentrated along and immediately north and south of Broad Street. Although numerous improvements have been completed in the last few years, this relatively small, compact and somewhat struggling business district is in need of revitalization, redevelopment and improvement. Recent improvements have included the installation of antique lighting along portions of Broad Street including Knickerbacker and Soldiers & Sailors Park, installation of interpretive kiosks in Knickerbacker Park, beautification and streetscape improvements at key intersections, and development of a municipal parking lot between Second and Third Streets on Broad Street

Development of additional commercial uses, particularly those that provide goods and services to residents in adjoining neighborhoods, boaters, or other visitors, is critical to the long-term economic health and vitality of the Village. Commercial revitalization is being supported by the Village through the facade and streetscape improvement design guidelines completed in 2004, and related projects such as the implementation of a Waterford microenterprise assistance program. Efforts such as the recently established microenterprise assistance program, grants, low-interest loans and other incentives, as well as facade and streetscape improvements, are also needed to support existing businesses and attract new neighborhood-oriented commercial and tourism-related businesses. In 2005, the Village will begin a facade improvement program and business loan program for Broad Street businesses.

Commercial uses within the Town of Waterford are concentrated in the Hudson River Road (Route 4/32) corridor and Saratoga Avenue. These uses will continue to be supported and enhanced, with new commercial development occurring at undeveloped portions of existing commercial districts. These areas are most appropriate for highway commercial development, as opposed to neighborhood commercial development.

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **1.5 Protect stable residential areas from deterioration and incompatible uses.**

Older residential neighborhoods in the Town and Village of Waterford within the LWRP boundary will be protected from the effects of development and will be revitalized through rehabilitation and facade and streetscape improvements. Homeownership assistance will be considered to reduce the occurrence of absentee landlords. Because most of the village and the older sections of the Town are almost completely built out, infill development will be discouraged or used sparingly to allow additional opportunities for greenspace development and density reduction. Additions and alterations to residences within the Waterford Village historic districts will be compatible with the original and historical character of the existing building, and will be carried out in accordance with the Village's historic preservation ordinances.

#### **1.6 Minimize the potential adverse land use, environmental, and economic effects from proposed development.**

Waterford zoning and site plan review regulations, and the State Environmental Quality Review (SEQR) process seek to minimize adverse environmental impacts resulting from new development.

In accordance with local laws, all new uses in the Town and Village of Waterford's waterfront revitalization area, and particularly on the waterfront itself, will be reviewed as applicable by the Town or Village planning board.

The Town's Site Plan review procedures are set forth in Chapter 131 of the Code of the Town of Waterford. Site plan review is required for all new uses except:

- ▶ Landscaping or grading which is not intended to be used in connection with land use reviewable under the provisions of this chapter;
- ▶ Construction of one- or two-family dwellings and ordinary accessory structures, and related land use activities;
- ▶ Ordinary repair and maintenance or interior alterations to existing structures or uses;
- ▶ Exterior alterations or additions to existing structure which would not increase the square footage of the existing structure by more than 25%, having a cost of less than \$10,000.

Article IX, Section 9.2 of the Village's Zoning Ordinance stipulates that "no building shall be erected, moved, externally altered, added to, or enlarged, and no excavation for any building shall be begun unless and until a building permit for such work has been issued by the Zoning Inspector."

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

The Village does not currently have site plan review, but the zoning ordinance gives the Planning Commission the authority to establish site plan review regulations. Such recommendations will be developed as part of LWRP implementation and will be similar to those set forth in the Town of Waterford's zoning ordinance as described above. The Village is currently using a set of review criteria developed by the municipal attorney and effective as of July 10, 1996. These criteria address issues of public safety; quiet enjoyment of adjoining and nearby parcels; neighborhood appearance; and the economic well-being of the Village.

Such reviews by the Town and Village planning boards shall take into account the economic, social, and environmental interest of the community and region as a whole, including the effect of the potential project on Waterford's waterfront revitalization and development goals. All projects will comply with these policies, enhance public and private enjoyment of waterfront areas, and, to the greatest extent feasible, allow for continued public access to waterfront areas.

#### **Policy 2. Preserve historic resources.**

The Town and Village of Waterford are part of historic Saratoga County as well as the RiverSpark Heritage Area, Mohawk Valley Heritage Corridor, Hudson Mohawk Industrial Gateway, Hudson River Greenway and Champlain Canal Scenic Byway. In addition, the Champlain Valley, with Waterford anchoring its southern end, was recently designated as a national heritage corridor, and the Hudson River was recently designated as an American Heritage River by the federal government. Like other Capital District communities, the Town and Village of Waterford are extraordinarily rich in social, architectural, industrial, engineering and military history, and are still working to capitalize on this richness.

With the exception of the Northside Historic District and a few isolated structures in the Town, most of Waterford's historic resources are located within the Village. The Village of Waterford is defined by an extraordinary spectrum of historic buildings that express a wide variety of architectural styles, including Federal, Georgian, Empire and Greek Revival styles as well as expressions of various Victorian fads. The Waterford Village Historic District, which is listed in the National and State Registers of Historic Places, includes approximately 200 buildings, or more than half of all buildings located within the Village.

These buildings are also protected by Local Law #2 of 1985, which established a local historic district with the same boundaries as the National Register District and prevents buildings from being demolished in whole or in part unless a certificate of appropriateness (COA) is issued by the Village in accordance with strict demolition standards. A second ordinance, Local Law #1 of 1986, controls exterior alterations, repairs, and additions, establishing review criteria based upon the U.S. Secretary of

### Town & Village of Waterford Local Waterfront Revitalization Program

Interior's Standards for Preservation. These standards are intended to assist the Village and its property owners to maintain the architectural integrity of Village buildings.

In the Town of Waterford, the Northside Historic District is located along the old Champlain Canal between the Village of Waterford's southern boundary and the Mohawk River. It encompasses over 100 buildings situated on Saratoga Avenue, Museum Lane, Fulton Street and Canal Street. The Northside Historic District is also listed in the National and State Registers of Historic Places. The Town of Waterford does not have a local historic preservation ordinance or architectural review standards.

Other National and State Register-listed historic buildings and sites in Waterford include the Romanesque Revival style Ormsby-Laughlin Textile Companies Mill, Champlain Canal, and Peebles Island. Properties that are potentially eligible for the National and State Registers include the Erie Canal, remaining portions of King's Power Canal, Troy-Waterford (Union) Bridge, Cohoes Bridge, Ninth Street Bridge, Fourth Street Bridge, Second Street (Peebles Island/North) Bridge, Fulton Street Bridge, a large Greek Revival house north of the village on Hudson River Road, a barn on Fonda Road, and several residences scattered along Fonda Road near River Bend.

Priority will be given to development of a Broad Street revitalization strategy, downtown and neighborhood design guidelines, and facade and streetscape improvements within the Village, Broad Street commercial district and Saratoga Avenue. An important aspect of these priority tasks will be to strengthen the physical and visual linkages between waterfront and downtown commercial areas, particularly within the Village.

This policy recognizes the importance of preserving and enhancing the historic resources of the Town and Village of Waterford.

Policy standards applicable to Policy 2 include the following:

#### **2.1 Preserve, protect and enhance historic structures and landscapes in the Town and Village of Waterford from incompatible development.**

As noted above, the Town of Waterford had not adopted any local laws regarding the protection of properties and districts listed in the National Register of Historic Places or requiring architectural design review.

In addition to the normal building permit requirement, the Village of Waterford's Local Law #2 of 1985 created a local historic district with boundaries corresponding to those of the National Register-listed Waterford Village Historic District. The local law requires certificates of appropriateness (COAs) for all demolitions, with the zoning inspector and zoning board of appeals reviewing COA applications. COA applications for demolition are generally denied unless the following criteria are met:

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

- ▶ The retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by reasonably economic means;
- ▶ The structure has no historic, architectural or aesthetic interest or value in and of itself and that its demolition would have no adverse impact upon any adjoining or neighboring structures having themselves historic, architectural or aesthetic interest or value;
- ▶ There is no present reasonable economic use of the structure and no reasonable alternative economic use of the structure possible.

Village of Waterford Local Law #1 of 1986 regulates the issuance of special permits for alterations, repairs, and additions to existing buildings. Such changes must be consistent with the following standards:

- ▶ The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material and distinctive architectural features should be avoided when possible;
- ▶ All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- ▶ Changes which have taken place in the course of time are evidence of the history and development of a building structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- ▶ Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features.
- ▶ The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- ▶ Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, color, material, and character of the property, neighborhood or environment.

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

- ▶ Historic materials should be retained and restored. Removal or covering of historic materials is to be discouraged wherever physically and/or economically practicable.
- ▶ Retention of original design, style, and size of windows, doors, and other openings in a facade of an existing structure is to be accomplished wherever practicable. Restoration of the historic appearance of such features is to be encouraged when they have been formerly altered.
- ▶ Ornamentation in wood, masonry, or metal should be preserved and repaired on all facades. Missing elements should be restored when their configuration can be established.
- ▶ In order to retain visual integrity, new construction shall be compatible with the architecture existing in the neighborhood. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement, rhythm, texture and design of a new building or structure in relationship to surrounding historic buildings and structures and to the setting thereof.

The same local law also modified the Village's signage laws to include the following standards related to historic resources:

- ▶ The removal or alteration of signs which are an historic part of the architectural fabric or historic character of the structure such as a date, name of the building, or name of an historic business once located there, shall be discouraged, and shall be subject to the approval of the Board of Appeals.
- ▶ No sign shall be placed upon a balcony, porch, canopy, shed, roof, parapets (or similar appurtenance), door or window, etc., in any manner whatsoever so as to disfigure or conceal any architectural feature or detail of any building.

In addition to the stipulations set forth in these local laws, the Town and Village of Waterford will help preserve, protect and enhance historic resources through the following:

- ▶ Preserving the historic character of residential, commercial and industrial buildings by protecting historic materials and features by making repairs or alterations using appropriate materials whenever possible;
- ▶ Providing for compatible use of an historic resource while limiting and minimizing alterations to the resource;
- ▶ Promoting the designation of historic landmarks that reflect the cultural, social, economic, and/or architectural history of the Town and Village of Waterford,

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

Champlain Canal Scenic Byway, RiverSpark Heritage Area, Mohawk Valley Heritage Area, Hudson Mohawk Industrial Gateway and the Capital District region;

- ▶ Continuing revitalization efforts in the Village, particularly facade and streetscape improvement efforts;
- ▶ Continuing and expanding promotion and interpretation efforts;
- ▶ Recognizing that public investment in historical development is important to illustrate a commitment to the business community and public at large, who may later invest;
- ▶ Developing incentive and enforcement programs to stimulate appropriate building rehabilitation; and
- ▶ Avoiding potential adverse impacts of development on nearby historic structures.

The Town and Village of Waterford will preserve and retain the historic character-defining elements of the resource, using the following standards to achieve the least degree of intervention:

- ▶ Protect and maintain historic materials and features according to the following approach:
  - Evaluate the physical condition of important materials and features.
  - Stabilize materials and features to prevent further deterioration.
  - Protect important materials and features from inadvertent or deliberate removal or damage.
  - Ensure the protection of historic elements through a program of nonintrusive maintenance of important materials and features.
- ▶ Repair historic materials and features according to recognized preservation methods when their physical condition warrants.
- ▶ When a historic feature is missing or the level of deterioration or damage precludes maintenance or repair:
  - Limit the replacement of extensively deteriorated features or missing parts to the minimum degree necessary to maintain the historic character of the resource.
  - Maintain historic character where a deteriorated or damaged feature is replaced in its entirety. In replacing features, the historic character of the resource can be best maintained by replacing parts with the same kind of material. Substitute materials may be suitable if replacement in kind is not technically or

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

economically feasible and the form, design, and material convey the visual appearance of the remaining parts of the feature.

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

The Town and Village will also provide for efficient, compatible use of historic resources in accordance with the following standards:

- ▶ Foster uses that maximize retention of the historic character of the resource:
  - Maximum retention of historic character is best achieved by using the resource as it was historically used.
  - If the resource cannot be used as it was historically used, adapt a use to the historic resource that maximizes retention of character-defining materials and features.
- ▶ Minimize alterations to the resource to preserve and retain its historic character:
  - Minimize potential negative impacts on the resource's historic character due to necessary updates in systems to meet health and safety code requirements or to conserve energy.
  - Make alterations to the resource only as needed to ensure its continued use and provided that adverse impact on the resource is minimized. Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall historic character of the resource.
  - Construct new additions only after it is determined that an exterior addition is the only viable means of assuring continued use of the resource.
  - In constructing new additions, use appropriate design and construction to minimize adverse impact on the resource's historic character. Adverse impact can be minimized in new additions by: clearly differentiating from historic materials and features; using design compatible with the historic materials, forms and details, size, scale and proportion, and massing of the resource and its setting. In addition, new additions should be designed such that, if removed in the future, the essential form and integrity of the historic resource and its setting would not be impaired.

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

The Town and Village will minimize loss of historic resources or the historic character of the waterfront area when it is not possible to completely preserve and retain the resource in accordance with the following standards:

- ▶ Relocate an historic resource when it cannot be preserved in place and:
  - The resource is imperiled:
    - Directly by a proposed activity which has no viable alternative which would not result in adverse effects on the resource, or
    - Indirectly by surrounding conditions which are likely to result in degradation or inadequate maintenance of the resource.
  - The resource cannot be adapted for use on the existing site which would result in preservation of the resource.
  - A suitable site for relocation is available, and
  - It is technically and economically feasible to move the resource
- ▶ Allow for demolition of the resource only when:
  - It is not feasible to protect the resource through relocation, and
  - The resource has been officially certified as being imminently dangerous to life or public health, or
  - The resource cannot be adapted for any use on the existing site or on any new site
- ▶ Document in detail the character-defining elements of the historic resource in its original context prior to relocation or demolition of the resource.

The Town and Village will avoid potential adverse impacts of development on adjacent or nearby historic properties in accordance with the following standards:

- ▶ Protect historic resources by ensuring that development is compatible with the historic character of the affected resource.
- ▶ Design development to a size, scale, proportion, mass, and with a spatial relationship compatible with the historic resource.
- ▶ Design development using materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.

#### **2.2 Protect and preserve archeological resources.**

The Hudson and Mohawk Valleys have figured significantly in the development of New

### **Town & Village of Waterford Local Waterfront Revitalization Program**

York State and the nation, serving first as early gateways to the north and west and later, as major transportation corridors during the industrial revolution. Similarly, the Erie Canal played a key role in the development of the Mohawk Valley as well as much of central and western New York. Within these contexts, Waterford served as the eastern gateway to the Erie Canal and the southern gateway of the Champlain Canal, and was a thriving commercial, industrial and maritime center. As a result, archeological investigations in shoreline areas have uncovered numerous artifacts and are likely to be found in future excavations. If impacts are anticipated on a significant archeological resource, potential adverse impacts will be minimized by:

- ▶ Redesigning the project;
- ▶ Reducing direct impacts on the resource; and/or
- ▶ Recovering data and artifacts prior to construction.

#### **Policy 3. Enhance visual quality and protect scenic resources in the Town and Village of Waterford.**

The scenic qualities of the Hudson and Mohawk Rivers and Erie and Champlain Canals are significant and contribute considerably to the beauty and character of the Hudson-Mohawk region. The Cohoes Falls have drawn visitors since the early settlement period and continues to be an important, if informal, destination for visitors, as has the

Waterford Flight, an internationally-recognized engineering feat. These scenic resources and related cultural elements will be formally identified, protected to the maximum extent feasible, and, where appropriate, promoted as destinations. The preservation of the aesthetic, historic, and scenic character of Waterford is important to the area's attraction as a waterfront area and heritage area.

Scenic views identified in Section II are extensive and varied. They include long range views from roadways such as views along Hudson River Road as it approaches the Village and Flight Lock Road; views from higher elevations such as along the informal Cohoes Falls Trail, and long and short range views from bridges and shoreline trails. Scenic values associated with the Cohoes Falls, on both sides of the Mohawk River, are particularly vulnerable to degradation from development. These views include the Cohoes Falls and Mohawk River as well as the architecturally significant Harmony Mills complex in Cohoes. Development could obscure views and public access and/or significantly alter scenic values. Project reviews will take into account and work to mitigate potential negative impacts on these views.

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **3.1 Protect and improve visual quality in the Town and Village of Waterford.**

The Town and Village of Waterford will protect and improve visual quality and scenic vistas by adhering to the following standards and guidelines:

- ▶ Minimizing the introduction of elements which would be discordant with existing scenic components and character;
- ▶ Restoring deteriorated and removing degraded visual components;
- ▶ Screening elements which detract from visual quality;
- ▶ Using appropriate siting, scales, forms and materials to ensure that structures are compatible with and add interest to existing scenic elements;
- ▶ Preserving existing vegetation and adding new vegetation to enhance scenic quality;
- ▶ Allowing selective clearing of vegetation to provide or enhance public views;
- ▶ Improving the visual quality of developed areas; and
- ▶ Considering the impact of new development on existing visual resources.

#### **3.2 Identify, develop and/or improve properties that have the potential to enhance the public's appreciation of the visual resources of the Town and Village of Waterford.**

The Town and Village of Waterford have numerous locations with great scenic values. These locations include the Hudson River shoreline, Cohoes Falls and Mohawk River shoreline, Waterford Flight, Champlain Canal Trail, Waterford Canal Harbor and the NYS Boat launch (Alcathy's), and Peebles Island. These viewing locations need to be preserved and enhanced.

Locations with potential for scenic resource improvements and enhancements include:

- ▶ Clement Park and the adjoining Mohawk River shoreline to the north and south, which have great potential for trail development and installation of scenic overlooks with interpretive signage;
- ▶ Areas adjacent to the Waterford Flight (both sides), where selective pruning, thinning and landscaping would enhance views of the Flight and surrounding areas;
- ▶ Upper Mohawk shoreline (north of the Flight) and NYS boat launch; and

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

- ▶ the five islands, particularly Peebles Island.

#### **Policy 4. Minimize loss of life, structures, and natural resources from flooding and erosion.**

Most of the Village of Waterford and portions of the Town are located within the 100 year flood plain. Both communities participate in the National Flood Insurance Program (NFIP) and have local laws covering flood damage prevention. These laws are intended to prevent future property damage within the flood hazard area.

Erosion has not been a significant problem in Waterford to date.

Policy standards related to Policy 4 include the following:

#### **4.1 Minimize flooding damage in the Town and Village of Waterford through the use of appropriate management measures.**

Appropriate management measures shall be based on Chapter 91 of the Code of the Town of Waterford, and Chapter 115 of the Code of the Village of Waterford, which set forth the Town's and Village's Flood Hazard Prevention regulations. Chapter 91 (Town) and Chapter 115 (Village) include general standards, standards for all structures, specific standards for residential structures, specific standards for nonresidential structures, and specific standards for manufactured homes and recreational vehicles. All construction is subject to approval under a floodplain development permit process.

The following general standards conform to standards in the Town and Village of Waterford Flood Hazard Prevention laws. Standards which use various management measures designed to prevent flood damage prevention and protect life and property, are presented below in order of priority:

- ▶ Locating development and structures away from areas of known flooding hazards;
- ▶ Elevating and/or flood proofing structures and facilities, especially where a substantial improvement is proposed;
- ▶ Building flood protection works and other water retention facilities to protect structures against periodic flooding;
- ▶ Flood proofing individual sites with perimeter embankments or other techniques;
- ▶ Prohibiting the use of funds to structures that have suffered damages because of their flood plain conditions; and
- ▶ Providing funds for housing rehabilitation in the flood plain only in the context of

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

flood-proofing, and only when determined as “no practicable alternative.”

#### **4.2 Preserve and restore natural protective features.**

Natural protective features are beaches, dunes, shoals, bars, wetlands, and associated natural vegetation. As flooding and erosion protective features, these are considered superior to man-made features and will be preserved where feasible in the Town and Village of Waterford. Natural protective features in Waterford are limited to wetlands and associated natural vegetation.

The protection of wetlands is addressed in Policy 5. Standards applicable to preserving and restoring natural protective features include:

- ▶ Avoiding the alteration or interference with shorelines in their natural condition;
- ▶ Restoring damaged natural features whenever practical;
- ▶ Using vegetative approaches to stabilize natural shoreline features; and
- ▶ Providing signage or other interpretive materials to increase public awareness of natural features.

#### **4.3 Protect public lands when undertaking erosion or flood control projects.**

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

#### **4.4 Expend public funds for management or control of flooding hazards only in areas of the waterfront which will result in proportionate public benefit.**

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

- ▶ Economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce;
- ▶ Protection of significant natural resources and maintenance or restoration of coastal processes;
- ▶ Integrity of natural protective features;
- ▶ Extent of public infrastructure investment;

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

- ▶ Extent of existing or potential public use.

Evaluation of these factors may indicate that public expenditure for flood control projects is warranted in developed centers.

#### **Policy 5. Protect and improve water resources.**

The purpose of this policy is to protect the quality and quantity of water in the waterfront revitalization area. Quality considerations include both point and nonpoint pollution management. Water quality protection and improvement must be accomplished by the combination of managing new and remediating existing sources of pollution.

The primary water resources in the Town and Village of Waterford are the Hudson River, Mohawk River, Erie Canal and Champlain Canal.

The protection and improvement of these resources is of great importance to the Town and Village of Waterford. Maintenance and improvement of the quality of these resources is central to short and long term waterfront revitalization goals.

A water quality rating of “C” has been established for the Hudson River, a water quality rating of “A” has been established for the Mohawk River, and the water quality rating of the Erie and Champlain Canals reflects water quality of the waterways they are fed by (generally the Hudson and Mohawk Rivers in this section of the state). A Class A rating indicates water is suitable for drinking, culinary or food processing purposes, primary and secondary contact recreation, and fishing. This rating also indicates that these waters are also suitable for fish propagation and survival. This classification is acceptable for the land and water uses described in this Local Waterfront Revitalization Program. A Class C rating indicates water is suitable for fish propagation and survival and possibly, primary or secondary contact recreation, depending on existing conditions. It is also acceptable for the land and water uses described in this document.

The following policy standards are applicable to Policy 5:

#### **5.1 Prohibit direct discharges that would contribute to lowering water quality standards.**

This policy focuses on those discharges into the water resources of Waterford’s waterfront revitalization area that have an identifiable source, such as a development site, industrial operation, or wastewater treatment plant, the so-called “point-source” discharges. Point-source discharges into the water resources of Waterford will be prevented by avoiding land and water uses which would:

- ▶ Exceed applicable effluent limitations;

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

- ▶ Cause or contribute to contravention of water quality classification and use standards;  
or
- ▶ Adversely affect the quality of receiving water.

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

- ▶ Maintaining efficient operation of sewage and industrial treatment facilities;
- ▶ Providing, at a minimum, secondary treatment of sanitary sewage;
- ▶ Making improvements to sewage treatment facilities to improve nitrogen removal capacity;
- ▶ Reducing demand on treatment facilities by eliminating combined sewers;
- ▶ Reducing the loading of toxic materials into waters by including limits on toxic metals as part of wastewater treatment plant effluent permits;
- ▶ Reducing or eliminating combined sewer outflows; and
- ▶ Providing and managing on-site disposal systems where appropriate.

#### **5.2 Minimize indirect or non-point source pollution of water resources and manage activities causing non-point source pollution.**

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

- ▶ Reducing or eliminating the introduction of materials which may contribute to non-point source pollution;
- ▶ Avoiding activities that would increase storm water runoff;
- ▶ Controlling and managing storm water runoff;
- ▶ Retaining or establishing vegetation or providing soil stabilization; and
- ▶ Preserving natural hydrologic conditions through maintenance of natural water surface flows, retainage of natural watercourses, and drainage systems.

### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **5.3 Protect and enhance the quality of water resources.**

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

- ▶ Retaining as much of the natural vegetation as possible near the waterfront and avoiding the mass clearing of sites;
- ▶ Utilizing large graded areas on the most level portions of development sites, and avoiding the development of steep vegetated slopes;
- ▶ Conducting grading and clearance activities outside of floodplains to the maximum extent feasible;
- ▶ Continually evaluating the effectiveness of storm collection systems, and making improvements, where possible, aimed at collecting and detaining sediments in filtering catch basins and retention areas.

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from water craft and marinas into New York State waterways is regulated by State law. Adequate pump-out facilities are maintained at the Waterford Canal Harbor to discourage the overboard discharge of sewage from boats.

Another potential source of pollution is dredging. Dredging is often essential for waterfront revitalization and development, as it is needed to maintain navigation channels and remove pollutants. Dredging activities, however, may adversely affect water quality, fish and wildlife habitats, and other waterway resources. Dredging activities are controlled by New York State. In Waterford, areas that may require dredging include the Hudson River, which was placed on the National Priorities List (NPL) as a Superfund site by the U.S. Environmental Protection Agency (EPA) in 1983.

The EPA recently reevaluated its 1984 determination that dredging, as opposed to the river naturally cleaning itself, would not be an appropriate remediation for the removal of PCBs in the Hudson River. In a February 2002 Record of Decision, the EPA announced final plans to dredge 2.65 million cubic yards of contaminated sediment from a 40-mile stretch of the upper Hudson to remove an estimated 150,000 pounds of polychlorinated biphenyls (PCBs).

In all dredging, Waterford urges the State to undertake all activities carefully so as to minimize pollution, and to dispose of the dredge spoil in areas where it will cause the least harm.

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **5.4 Protect and conserve the quality and quantity of potable water.**

- ▶ Prevent contamination of potable waters by limiting discharges of pollutants to maintain water quality according to water quality classification, and limiting land use practices which are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.
- ▶ Limit cumulative impact of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

#### **Policy 6. Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.**

Habitat protection is fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics: 1) they are essential to the survival of a large portion of a particular fish or wildlife population; 2) they support populations of rare and endangered species; 3) they are found at a very low frequency within a region; 4) they support fish and wildlife populations having significant commercial and/or recreational value; and 5) they would be difficult or impossible to replace.

Ecological resources exist throughout the Town and Village of Waterford's waterfront revitalization area and include wetlands (see [wetlands map](#)), wildlife habitats, and rare ecological communities. In addition to the wetland areas between Hudson River Road and the Hudson River, most ecological resources are located on and around Peebles Island.

Policy standards applicable to Policy 6 include the following:

#### **6.1 Protect fish and wildlife habitats.**

As stated under Policy 4, all projects along the waterfront, and especially projects involving waterfront access, must be developed in a manner that ensures the protection of fish and wildlife resources. Project reviewers will consider the potential effect on fish and wildlife habitats, and the following actions will be taken as appropriate and applicable:

- ▶ Avoid activities that would destroy or impair habitats through disturbance or pollution or indirectly cause the loss of habitat;
- ▶ Schedule development or other activities to avoid vulnerable periods in life cycles of habitats; and

## Section III LWRP Policies

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### Town & Village of Waterford Local Waterfront Revitalization Program

- ▶ Encourage projects to be designed in ways that will result in the least potential damage to habitats.

#### 6.2 Ensure that development in the Town and Village of Waterford does not significantly harm wetlands or wooded areas.

Wetland and wooded areas comprise only limited areas of the Hudson River, Mohawk River, Erie Canal and Champlain Canal shorelines in the waterfront revitalization area (see [wetlands map](#)). These areas contribute to the natural ecosystem of the rivers and canals and generally add beauty to the overall landscape.

Development that would damage wetland and wooded areas will be avoided. In such cases where impairment of these resources cannot be avoided, it will be minimized through appropriate mitigation measures.

The following actions and policies will be applied to projects affecting wetland and wooded areas within the waterfront revitalization area boundaries:

- ▶ Adequate buffers will be provided and maintained between wetlands and adjacent uses to the maximum extent feasible.
- ▶ Prevent a net loss or placement of fill in vegetated wetlands:
  - Avoiding the placement of fill in vegetated wetlands;
  - Designing projects to result in the least amount of damage;
  - Choosing alternative actions or methods that would lessen potential harm;
  - Mitigating the unavoidable damage resulting from activities by replacement of lost wetland areas or by other appropriate means.
- ▶ Protect woodlands to the maximum extent feasible.

Waterford's woodland areas are located in the Town outside the Village and are protected as land conservation districts as set forth in the zoning ordinances (see [zoning map](#)) of the Town of Waterford. Uses allowed by right in land conservation districts only include farms and other agricultural operations; parks, playgrounds, athletic fields, golf courses, riding academies, and other similar uses; municipal or public utility buildings or structures; cemeteries; and New York State Barge Canal uses.

In addition, the following standards shall also apply:

- Maintaining a vegetative buffer in shoreline areas, and encouraging the retention of

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

- such buffers when new development occurs;
- Protecting trees during construction to ensure they are not accidentally injured or removed;
- Encouraging incorporation of vegetation when new development allowed in land conservation districts occurs;
- Encouraging and preserving vegetation that shades water surfaces.

#### **Policy 7. Protect and improve air quality.**

Details on this policy are not included in the Local Waterfront Revitalization Program. Refer to State regulations for policies and standards that protect Waterford's air quality.

#### **Policy 8. Minimize environmental degradation from solid waste and hazardous substances and wastes.**

The intent of this policy is to protect people from contamination and to protect waterfront resources in Waterford from degradation through proper control and management of wastes and hazardous materials.

Policy standards related to Policy 8 include the following:

##### **8.1 Manage solid waste to protect public health and control pollution.**

Effective management of solid waste in the Town and Village of Waterford will follow the established State priorities for reducing, reusing and disposing of such waste. Responsible solid waste management also requires that the issue of disposal be addressed before project approval is granted.

Solid waste will be managed by:

- ▶ Reducing the amount of solid waste generated;
- ▶ Reusing or recycling materials; and
- ▶ Using land burial or other approved methods to dispose of solid waste that is not reused or recycled.

The discharge of solid wastes into the environment will be prevented by using proper handling, management and transportation practices.

The disposal of solid waste will be adequately addressed when evaluating any development proposal within the waterfront revitalization area.

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **8.2 Manage hazardous wastes to protect public health and control pollution.**

Inactive hazardous waste disposal sites in the waterfront revitalization area should be remedied. According to the New York State Department of Environmental Conservation, there are three hazardous waste sites in the Town and Village of Waterford: the General

Electric landfill, the former Friedrichson's cooperage site at 153-155 Saratoga Avenue, and the Peebles Island landfill. All of these sites are considered inactive, although portions of the General Electric landfill are still in active use for disposal of trash.

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

- ▶ Eliminating or reducing the generation of hazardous wastes to the extent feasible;
- ▶ Recovering, reusing, or recycling remaining hazardous wastes to the extent feasible;
- ▶ Using detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused or recycled; and
- ▶ Phasing out land disposal of industrial hazardous wastes.

#### **8.3 Protect the environment from degradation due to toxic pollutants and hazardous substances.**

The release of toxic pollutants or substances hazardous to the environment that would have a harmful effect on fish and wildlife resources will be prevented.

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

- ▶ Limiting the use of pesticides to the effective targeting of actual pest populations;
- ▶ Preventing direct or indirect entry of pesticides into waterways; and
- ▶ Minimizing the exposure of people, fish and wildlife to pesticides.

Appropriate actions will be taken to correct all unregulated releases of substances hazardous to the environment.

#### **8.4 Prevent and remediate discharge of petroleum products.**

The handling of petroleum products near water bodies must be undertaken with utmost care. The following standards will be applied to the Town and Village of Waterford:

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

- ▶ Requiring an adequate plan for prevention and control of petroleum discharges at any major petroleum related facility; and
- ▶ Undertaking clean-up and removal activities of petroleum discharge in accordance with guidelines contained in the New York State Water Accident Contingency Plan and Handbook, and giving first priority to minimizing environmental damage.

**8.5 Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being and general welfare of the public, the environmental resources of the State, and continued use of transportation facilities.**

**8.6 Seek alternatives to locations within the Waterford waterfront revitalization area for solid and hazardous facilities.**

The purpose of the waterfront revitalization area of Waterford is to create a waterfront that is attractive to tourists and residents, as well as to preserve waterfront lands or water-dependent and water-enhanced uses. The waterfront revitalization area also includes a concentration of population not present in outlying areas. For these reasons, the siting of solid and hazardous waste facilities in the waterfront revitalization areas will be avoided.

**Policy 9. Improve public access to, and recreational use of, public lands, waters and resources of the waterfront revitalization area.**

Physical and visual access to many sections of the Hudson River, Mohawk River, Erie Canal and Champlain Canal shoreline is restricted by heavy vegetation; private residential, commercial and industrial properties; and private residential, commercial and industrial uses.

Public access points in the Town consist mainly of the Champlain Canal Trail, Peebles Island small craft docks, other Mohawk River islands, state-owned land along the Waterford Flight, NYS boat launch (formerly Alcathy's) on the Mohawk River north of Lock 6, Peebles Island State Park, and Clement Park (see [public access and recreation areas map](#)). Most of the Mohawk River shoreline is in private ownership, and in the Southern Mohawk/Lower Waterford Flight sub-area, is largely undeveloped with excellent potential for enhanced public access. To the north of Mallard's Landing and Canvasback Ridge, a 500' strip of shoreline area is protected as a land conservation district under the Town's zoning ordinance. The state-owned land along the Hudson River to the east of Industry Drive and along the Town's border with Halfmoon in the Hudson River Road sub-area also has potential for additional public access

Public access points in the Village include Lock 2 Park; Soldiers and Sailors and Knickerbacker parks; Champlain Canal Trail; NYS boat launch at the foot of First Street;

## Section III LWRP Policies

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### Town & Village of Waterford Local Waterfront Revitalization Program

the waterfront promenade, street-end parks and visitor center at the Battery; and Fourth Street Park.

The proposed Waterford Flight Trail, Cohoes Falls Trail, Upper Mohawk Trail, Champlain Canal Trail extension, pedestrian trail linkages, and the NYS boat launch (formerly Alcathy's) on the Mohawk River will substantially increase public visual and physical access to waterfront areas.

This policy incorporates measures needed to improve public access and recreational resources in the Town and Village of Waterford.

Policy standards related to Policy 9 are as follows:

#### **9.1 Promote physical public access and recreation throughout Waterford's waterfront revitalization area.**

Improving access to the Hudson River, Mohawk River, Erie Canal and Champlain Canal is very important to the Town and Village of Waterford. Along with the NYS Canal Corporation and other state agencies, both communities have made substantial investments in waterfront areas and the Broad Street commercial district, and have long recognized that public access to the waterfront and water-related recreation facilities can attract tourists, improve the quality of life for residents, and generate additional revenue.

In addition to the projects already completed, public access will be expanded through the:

- ▶ Completion of the Champlain Canal Trail by extending it northward to the Town of Halfmoon;
- ▶ Development of the Waterford Flight Trail along the north and south sides of the flight;
- ▶ Development of a Cohoes Falls Trail along the Mohawk River north and south of Clement Park;
- ▶ Redevelopment and enhancement of Clement Park as the trailhead for the Cohoes Falls Trail, with scenic overlooks incorporating interpretive signage related to the Cohoes Falls and Harmony Mills complex;
- ▶ Development of boat docking facilities on the south side of the Broad Street Bridge on the Champlain Canal, near Bechard's;
- ▶ Development of a formal trail system and installation of interpretive and directional

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

signage at Peebles Island, and of a bike trail from Peebles Island to Green Island; and,

- ▶ Development of a trail marker system linking Waterford Canal Harbor, downtown Waterford business district, Waterford Flight, Champlain Canal Trail, Cohoes Falls Trail, and other important sites and amenities.

The following standards will be used as a guide in making future decisions regarding public access and expanding recreation opportunities within the waterfront revitalization area:

- ▶ Promoting and enhancing the entire Champlain Canal Scenic Byway Corridor, with particular emphasis on promoting and enhancing the Waterford Canal Harbor, as well as the Hudson River Road, Broad Street and Saratoga Avenue commercial areas in the Town and Village, and establishing the Waterford Visitor Center, Waterford Historical Museum, Waterford Flight, and Peebles Island State Park as anchors and important destinations for tourism and recreation development;
- ▶ Continuing and strengthening downtown revitalization efforts in the Village and Saratoga Avenue section of the Town;
- ▶ Working to develop the interconnected trail system and physical access linkages along the four waterways, including the Niagara Mohawk right-of-way between the Mohawk and Hudson Rivers;
- ▶ Encouraging new water-dependent and related uses to locate within the LWRP waterfront revitalization area as well as encouraging existing uses such as restaurants, inns or hotels, and service-oriented businesses to include waterside amenities such as floating docks or decks for dining;
- ▶ Interpreting the Town's and Village's historic districts and landmarks as part of the region's heritage; and
- ▶ Encouraging the location of tour boats in the canal harbor; and
- ▶ Improving visual and physical linkages between commercial and waterfront areas, as well as other amenities, to improve visitor experiences and enhance local quality of life.

#### **9.2 Protect and provide public visual access to waterfront lands and waters from public sites and transportation routes where physically practical.**

To the extent feasible, views of the Hudson River, Mohawk River, Erie Canal and Champlain Canal from roads and public access areas will be expanded and enhanced to

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

allow full appreciation of the beauty of these resources, and to increase the attractiveness of the waterfront lands and water by:

- ▶ Limiting physical blockage of existing visual access by constructing improvements and buildings at an appropriate scale and location;
- ▶ Protecting view corridors provided by streets or natural resources;
- ▶ Clearing excess and overgrown vegetation along waterfront areas wherever practical and environmentally acceptable;
- ▶ Creating and/or improving roadway pulloffs;
- ▶ Providing interpretive signage and/or exhibits at appropriate locations to enhance the understanding and enjoyment of views;
- ▶ Facilitating the City of Cohoes' efforts to light the Cohoes Falls.

#### **9.3 Provide access and recreation which is compatible with natural resource values.**

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

- ▶ The intensity of the anticipated recreational activity;
- ▶ The level of disturbance associated with the activity; and
- ▶ The sensitivity of the natural resources involved.

Access will be limited where the uncontrolled public use of a recreational facility or public access site would impair the natural resources. In Waterford's waterfront revitalization area, public access and recreational use will be carefully planned and controlled in areas designated as land conservation districts in the zoning ordinances and local laws of the Town and Village of Waterford.

The following additional standards and guidelines will be applied in analyzing recreation and public access projects along waterfront areas:

- ▶ Providing access for fish and wildlife related activities, so long as the level of access would not result in the loss of the resources themselves;
- ▶ Using methods and structures of access which maintain and protect open space areas

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

associated with natural resources; and

- ▶ Imposing seasonal limitations on public access where necessary to avoid adverse environmental impacts.

#### **9.4 Preserve public interest in and use of lands and waters held in public trust by the state and other government levels.**

Limit the transfer of interest in public trust lands to the minimum necessary conveyance of public interest.

- ▶ Provide the minimum conveyance using the legal instrument which results in the least abrogation of public interest.
- ▶ Limit the physical extent of any conveyance to the minimum amount of land necessary.

#### **Policy 10. Protect the Town and Village of Waterford's water-dependent and water-enhanced uses, promote siting of new water-dependent or water-enhanced uses in suitable locations, and support efficient marina operation.**

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

Water-dependent uses are activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, tour boat and charter boat facilities, unloading and aggregate trans-shipment facilities, waterborne commerce, ferries, marine educational or laboratory facilities, water-related public and quasi-public utilities.

Water-enhanced uses are activities which do not require a location adjacent to the waterfront, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail or entertainment uses.

Water-dependent uses are limited in the Town of Waterford to the NYS boat launch

(formerly Alcathy's); the Champlain Canal Trail; the Waterford Flight with related snubbing posts and operational facilities; private docks on the Hudson and Mohawk

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

Rivers; small water craft docks at Peebles Island; and an existing network of waterfront trails. In the Village the water-dependent uses include the Champlain Canal Trail; the Waterford Visitor Center; Lock 2 of the Waterford Flight; the NYS boat launch at the foot of First Street; and the floating docks and moorings along the waterfront in the Battery Sub-Area.

In addition, many improvements proposed in this LWRP and related Comprehensive Plan can also be considered water-dependent and will be among the Town and Village of Waterford's priority waterfront revitalization projects. These include the creation of formal pedestrian trails along the Waterford Flight, Mohawk River (including Cohoes Falls and Crescent Lake), Champlain Canal Trail Extension, restoration of Champlain Canal Lock 5, and Erie Canal Lock 6 Park improvements.

Water-enhanced uses in the Town and Village of Waterford include Clement Park, Peebles Island State Park, Cohoes Falls footpath, Waterford Visitor Center, Waterford Historical Museum, various residential developments around the Town and Village, and Soldiers and Sailors and Knickerbacker parks.

Policy standards applicable to Policy 10 include the following:

#### **10.1 Protect existing water-dependent uses.**

Actions which would inhibit or interfere with existing water-dependent uses will be avoided. Conversely, actions that protect and enhance marine and public access facilities will be encouraged.

#### **10.2 Promote the siting of new water-dependent or water-enhanced uses at suitable locations along the Hudson River, Mohawk River and Erie Canal.**

Sites suitable for development or redevelopment within the LWRP boundary along the Hudson River, Mohawk River, Erie Canal and Champlain Canal are very limited in both the Town and Village of Waterford. Sites where additional water-dependent uses would be appropriate include the existing Erie Canal locks, the Battery area of the Village, Champlain Canal (particularly near Bechard's and the Broad Street Bridge), Peebles Island (and the other islands), the NYS boat launch (formerly Alcathy's) on the Mohawk River, Soldiers and Sailors and Knickerbacker Parks on the Hudson River, and, in the longer term, NYS-owned land on the Hudson River (parcels located along the river to the east of School House Lane and Higgins Road). New development would also be appropriate near Ursula of Switzerland, along the Mohawk River in the Dial City area.

The Town is currently working to restore weigh stations along the old Champlain Canal and hopes to put an exhibition boat in the water in future.

### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **10.3 Improve the economic viability of water-dependent uses.**

Many water-dependent uses often contain and are supported by non-water-dependent uses that are complementary and supportive to the water-dependent use and do not impair the ability of water-dependent uses to function. These non-water-dependent uses often mix compatibly with water-dependent uses, provide beneficial support, and positively affect the working waterfront character.

Non-water-dependent accessory or mixed use developments will be encouraged provided that:

- ▶ Accessory uses are subordinate and functionally related to the principal water-dependent use and contribute to sustaining the water-dependent use;
- ▶ Mixed uses support the water-dependent use and are accompanied by a demonstrable commitment to continue operation of the water-dependent use;
- ▶ Uses are sited and operated so as not to interfere with the principal operation of the site for a water-dependent use; and
- ▶ Uses do not preclude future expansion of a water-dependent use.

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

Other uses may be incorporated in the waterfront, particularly water-enhanced and marine support services, provided that these uses:

- ▶ Improve the working waterfront and its character;
- ▶ Do not interfere with the efficient operation of another water-dependent use;
- ▶ Make beneficial use of a waterfront location through siting and design to increase public enjoyment of the waterfront.

#### **10.4 Allow water-enhanced uses which complement or improve the viability of water-dependent uses.**

In addition to water-dependent uses, certain uses which are enhanced by a waterfront location may be appropriate to locate along the shoreline, though not in a manner which would preclude future water-dependent uses.

Many water-dependent uses are often supported by water-enhanced uses that are

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

complementary to the water-dependent use and do not impair the ability of water-dependent uses to function. Water-enhanced uses should be compatible with water-dependent uses, provide beneficial support, and be an asset to the waterfront.

When determining if a water-enhanced use is appropriate for siting along a waterfront, the following factors will be considered:

- ▶ The use would provide an economic incentive to prevent the loss of a water-dependent use;
- ▶ The use would be sited and operated so as not to interfere with water-dependent uses;
- ▶ The use would be sited in a manner which does not preclude future expansion of a water-dependent use;
- ▶ The activity makes beneficial use of a shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character.

#### **10.5 Promote the efficient management of surface waters and underwater lands.**

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

To promote effective water use management, traditional land use planning techniques can be applied to the water surface in the following manner:

- ▶ If warranted, various water use zones will be established for uses such as docks, moorings, navigational channels, turning basins, and any special recreational areas (bathing, water skiing, personal water craft, etc.);

To assure safety, vessel speed zones can be established and zones for bathing, water skiing, and other recreational uses will be located away from marinas or commercial boating facilities;

- ▶ Marinas, in-water structures, and surface water uses will not encroach upon navigation channels;
- ▶ Only water-dependent uses will be allowed on or over surface waters;
- ▶ The establishment of future water use zones and the siting of in-water structures will be done in a manner which minimizes potential damage to sensitive resources such as

## **Section III LWRP Policies**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

wetlands and fish and wildlife inhabitants.

#### **Policy 11. Promote the sustainable use of fish and wildlife resources.**

The Hudson and Mohawk Rivers and Erie and Champlain Canals support abundant and diverse warm water fish populations. Sensitive habitats within Waterford's waterfront revitalization area exist at Peebles Island and in NYS designated wetland areas (see [wetlands map](#)). These areas will be protected from environmental degradation.

See policy guidelines in Policy 11 for additional guidelines.

#### **11.1 Ensure the long-term maintenance and health of fishing resources in the waters of the Hudson River, Mohawk River and Erie Canal.**

Projects that permanently and/or significantly create increased sedimentation, erosion or toxic discharge into the Hudson River, Mohawk River or Erie Canal will not be undertaken. Activities that introduce hazardous wastes or other pollutants in the WRA will be prohibited. Additionally, actions that could harm fish or wildlife populations will not be undertaken.

Policy 11.2 below relates to waterfront access and the need to protect fish and wildlife resources as part of any project that promotes recreational uses of fish and wildlife resources.

#### **11.2 Promote recreational use of the environs of the Hudson River, Mohawk River and Erie Canal.**

The direct public use of the Hudson and Mohawk Rivers and the Erie and Champlain Canals provides recreational and tourism benefits that will continue to be significant to Waterford in the years ahead. Opportunities for fishing and boating will be promoted where appropriate. Hiking, walking and biking will be encouraged and better promoted

along the existing formal and informal trail system and trail segments established in the future. These activities will be enhanced through the creation of trail maps showing the location of other trail segments and sites as well as the installation of interpretive signage at key locations along the trails. Efforts will also be made to develop linkages between trail segments and the waterfront, Broad Street central business district, and other areas.

Recreational uses of fish and wildlife resources include not only consumptive uses, such as fishing and hunting, but also non-consumptive uses such as wildlife and landscape photography, bird-watching and nature study. The future northern extension of the Champlain Canal Trail and the development of the Cohoes Falls Trail, Upper Mohawk Trail, Waterford Flight Trail, and connections between trail segments and amenities will

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

create access to areas that are inhabited by wildlife or that have historical, cultural or architectural significance along all of Waterford's waterways. The proposed trail (and related) projects are not expected to be of such magnitude that fish and/or wildlife resources could be expected to be damaged. It is important that these projects be developed in ways that ensure the protection of natural, environmental, scenic, and historic and cultural resources.

#### **Policy 12. Protect agricultural lands.**

Not applicable. Assessment data provided by the Saratoga County RPS Office indicates that only one parcel in the LWRP Waterfront Revitalization Area (WRA) is classified as an agricultural use. This parcel is located along Fonda Road immediately north of the Niagara Mohawk power transmission line right-of-way.

#### **Policy 13. Promote appropriate use and development of energy and mineral resources.**

The intent of this policy is to foster the conservation of energy resources in the Town and Village of Waterford.

Policies and policy standards applicable to Policy 13 include the following:

##### **13.1 Conserve energy resources.**

The conservation of energy will be an important part of prudent future planning. Energy efficiency can be achieved through several means that fall into the jurisdictions of local governments, including:

- ▶ Promoting an increased use of public transportation to the maximum extent feasible, where practical;
- ▶ Integrating modes of transportation (pedestrian, bicycle, auto and waterborne);
- ▶ Promoting energy efficient design in new developments; and
- ▶ Promoting greater energy generating efficiency through upgrades of existing public facilities.

##### **13.2 Consider energy use and environmental impact in the siting of major energy generating facilities.**

The following standards shall be used to guide decision-making within the waterfront revitalization area when siting major new energy generating facilities:

## **Section III LWRP Policies**

---

### **Town & Village of Waterford Local Waterfront Revitalization Program**

- ▶ Major energy generating facilities may be sited within the waterfront revitalization area where a clear public benefit is established using the following factors:
  - There is a demonstrated need for the facility;
  - The facility will satisfy additional electric capacity needs or electric system needs;
  - Alternative available methods of power generation and alternative sources of energy cannot reasonably meet the public need;
  - Upgrades of existing facilities cannot reasonably meet the public need; and
  - The facility incorporates feasible public recreational uses.
- ▶ Site major energy generating facilities close to load centers to achieve maximum transmission efficiency.
- ▶ Avoid the degradation of waterfront resources by siting new energy generating and transmission facilities so they do not significantly adversely affect:
  - Wetlands;
  - Historic resources; and
  - Critical fish and wildlife habitats.

#### **13.3 Minimize damage or pollution from fuel storage facilities.**

The following standards were derived from New York State Environmental Conservation Law, Article 23, Title 17, and from Federal Safety Standards 40 CFR Part 193:

- ▶ Ensure that production, storage, and retention of petroleum products in the Town and Village of Waterford is done in accordance with State DEC regulations;
- ▶ Liquefied natural gas facilities must be safely sited and operated; and
- ▶ Natural resources must be protected by complying with local, county and State oil spill contingency plans.

#### **13.4 Ensure that mining, excavation, and dredging do not cause an increase in erosion, and damage to natural resources, or degradation of visual resources.**

This policy regulates mining, excavation and dredging activities in the waterfront revitalization activities of Waterford. Due to the disruptive nature of these activities and the environmental sensitivity of the area, caution must be exercised to ensure these activities do not adversely affect natural resources or disturb the human environment. The effect on visual resources is important since the waterfront area provides significant scenic views.

### **Town & Village of Waterford Local Waterfront Revitalization Program**

No mining uses currently exist within the Waterford waterfront revitalization area, and mining is considered an inappropriate use in the waterfront revitalization area.

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

New York State is responsible for the periodic dredging of canal system waterways. Most often within the waterfront revitalization area, dredging is required within the Waterford Flight (from the Hudson River to the top of the Flight at Lock 6, and this, as well as dredging in the Hudson River will only be undertaken by the State when needed and in accordance with the highest environmental protection standards.