

Town of Wilmington Local Waterfront Revitalization Program

Adopted:

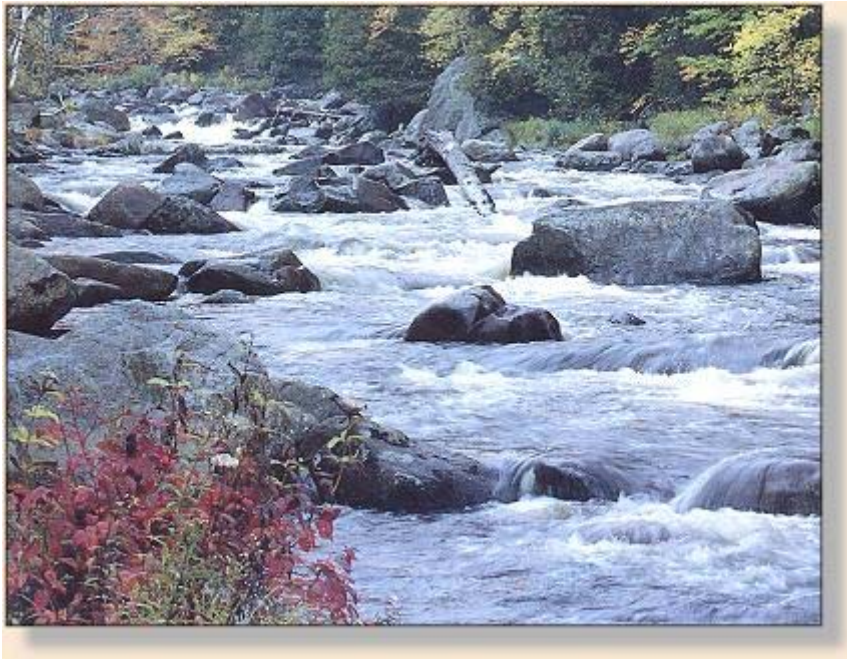
Town of Wilmington Board, March 9, 2010

Approved:

NYS Secretary of State Lorraine A. Cortés-Vázquez, April 20, 2010

**TOWN OF WILMINGTON,
NEW YORK**

LOCAL WATERFRONT REVITALIZATION PROGRAM



This document was prepared for the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund Act.

**REGULAR TOWN BOARD MEETING
WEDNESDAY, MARCH 9, 2010
7:00 PM-COMMUNITY CENTER**

Town Board Members Present: Supervisor-Randy Preston
Councilman-Steve Corvelli
Councilwoman-Dawn Stevens
Councilman-Darin Forbes
Councilwoman-Rarilee Conway

Resolution 21-10 of the Town Board Town of Wilmington Adopting the Town of Wilmington Local Waterfront Revitalization Program

WHEREAS, the Town of Wilmington initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program was prepared and circulated by the Department of State with potentially affected State, federal and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Town of Wilmington Town Board, as lead agency, filed a Negative Declaration -Notice of Determination of Non-Significance on 3/9/2010 for preparation of the Local Waterfront Revitalization Program, pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act);

NOW, THEREFORE, BE IT RESOLVED, that the Town of Wilmington Local Waterfront Revitalization Program is hereby adopted and that the Mayor is authorized to submit the Local Waterfront Revitalization Program to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

**Aye-Darin Forbes Aye-Rarilee Conway Aye-Steve Corvelli Aye-Dawn Stevens Aye-Randy Preston
(Carried 5 Ayes 0 Nays)**

I CERTIFY THAT THE ABOVE IS A TRUE COPY OF THE AGREEMENT FROM THE REGULAR MEETING OF THE TOWN BOARD, HELD ON MARCH 9, 2010, TOWN OF WILMINGTON.

DATE 3/16/2010

TOWN CLERK 
GERALD L BRUCE



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

Honorable Randy Preston
Supervisor
Town of Wilmington
7 Community Center Circle
P.O.Box 180
Wilmington, NY 12997

April 20, 2010

Dear Supervisor Preston:

I am pleased to inform you that I have approved the Town of Wilmington Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the valuable local waterfront resources.

I am notifying State agencies that I have approved your Local Waterfront Revitalization Program, and advising them that their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

The approved Town of Wilmington Local Waterfront Revitalization Program will be available on the website of the Department of State, at <http://nyswaterfronts.com/LWRP.asp>. If you have any questions, please contact Kevin Millington of the Office of Coastal, Local Government and Community Sustainability, at 518-473-2479.

Sincerely,

A handwritten signature in black ink that reads "Lorraine Cortés Vázquez". The signature is written in a cursive style.

Lorraine A. Cortés-Vázquez
Secretary of State

KM/vi

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Introduction

The Town of Wilmington comprises 42,086 rural acres in the northern half of the six million acre Adirondack Park (see [Map 1](#)). The history, economic and cultural character, and quality of life in Wilmington are strongly centered on its access to the West Branch of the Ausable River, which is part of an extensive watershed in this mountainous region. In order to protect and enhance this important asset, the Town embarked upon the process of a Local Waterfront Revitalization Program in late 2005, hiring a local non-profit, Adirondack Sustainable Communities (see www.adksc.org), to facilitate the process. Community members from residents to business owners to planning board members committed their time and energy to assist in the formulation of this plan. They attended monthly committee meetings, hosted multiple public discussions, conducted surveys, supported an informational web site and outreach days, invited relevant State and local agencies to meetings, and contributed hundreds of volunteer hours. See Appendix 4 and the Project web site for more about community input. The result is a document that focuses closely upon the needs and wishes of the community of Wilmington and outlines a set of policies and actions that will help Wilmington succeed in meeting these goals.

Section I. Waterfront Revitalization Area Boundary

The Waterfront Revitalization Area (WRA) is defined as the area that would be directly impacted by and that directly impacts initiatives set forth in the Local Waterfront Revitalization Program (LWRP). The Town of Wilmington has a significant number of water resources that benefit the community in various ways (see [Map 2](#)). Lake Everest is located in the middle of the hamlet's center and is the largest impoundment of the West Branch of the Ausable River, which flows through the Town from southwest to northeast. Additional water resources in the community include Beaver Brook, Stephenson Brook, White Brook, Red Brook, and other tributaries, Lewis Brook, Winch Pond, Marsh Pond, Lake Stephens, and Cooper Kiln Pond.

All of the water resources listed above hold an important place in the quality of life of Wilmington residents. Therefore the focus of this program is West Branch of the Ausable River and its tributaries, and Lake Everest.

Formal and informal trail systems and public access sites link various waterfront uses. These amenities provide both passive and active recreational opportunities for residents and visitors alike, and contribute to the appeal of Wilmington as a community. Certain areas are hard to access, while others will require better protection. The downtown business district is directly linked to the waterfront in that it gives residents and visitors a spectacular scenic view from the bridge on Rte. 86, as well as providing services to water-related tourists and the community in general. Central places in which to gather are the small parks near the dam and at the public beach both of which provide access to lodging and select cultural activities. Other access points in the Town of Wilmington include road pull-offs managed by the State as far upstream as the Wilmington Notch and downstream as far as Black Brook, High Falls Gorge, the Wilmington Wild Forest Flume trail, a State-owned easement on a fishing trail off Springfield Road, and on Town property downstream from the dam. The residential waterfront property surrounding the Lake, and lining the River up and downstream from the Lake, also provides access to private landowners and commercial / hospitality venues.

The cold water trout fishery is economically important to the Town, so protection and stewardship of the existing watershed of both the Ausable and its prime tributaries is of great concern. Other recreational uses of the Ausable and its tributaries such as public swimming at the Town Beach and watercraft uses throughout the Town rely on steady flows and clean waters in the watershed. It is also recognized that problems such as high coliform levels, invasive species and sedimentation at the Lake Everest Dam are complex whole-system issues that need to be addressed at many levels, both at the sources and at symptomatic points, in order to provide economical and long-term resolutions.

The Town's municipal water supply is located in an aquifer near White Brook and Red Brook. Both the quality and quantity of water available in this aquifer is of critical interest to the Town.

For these reasons, the Waterfront Revitalization Area Boundary, depicted on the [Map 1](#), is defined by the citizen committee in consultation with the LWRP team and New York State Department of State as the following: The West Branch of the Ausable River watershed between the Town boundaries, and following the natural watershed line east and west due to the area's slope, erodibility, and potential for contributing silt and other types of pollution to the river

A Vision for Wilmington's Future

Wilmington is a community with abundant and pristine natural resources, a vibrant community life, and a host of recreational possibilities that thrill residents and visitors year-round. The Ausable River is a focal point of the region, providing clean water, bountiful fishing, active and passive recreational opportunities, habitat for local wildlife and beautiful scenic vistas. The Town of Wilmington acknowledges the importance of preserving a high quality of life for the residents, as well as protecting and nurturing the crucial ecological resources located within its boundaries. The combination of Whiteface Mountain, the Ausable River, and the State Forest Preserve put Wilmington in a unique position to become an all-season outdoor recreation center. The policies and projects recommended by this LWRP will assist the Town with protecting its valuable resources and realizing its potential as a regional recreation area.

Wilmington seeks to guide future development on and adjacent to the waterfront in a way that preserves the natural environment and encourages the best use of the waterfront location. Waterfront lands should be devoted to uses that are water-dependent and or water-enhanced whenever possible. The waterfront should be accessible to all people via a number of different modes of transportation and at varied locations. Protection of the water supply, water quality, wildlife habitats, and ecological resources is of paramount importance to the long-term health and viability of the community. This LWRP attempts to address a wide variety of the resources within the waterfront area and actively promotes preservation of historic, archaeological and cultural resources that have a waterfront location.

Creating a more attractive and functional hamlet will make the community more enjoyable for everyone who lives, works, and plays there. The Town seeks to find creative ways to attract more residents and visitors to the downtown and offer a more relevant mix of wares and services. Wilmington hopes to have future development in the hamlet area occur as infill development, thereby creating a more vibrant downtown and preserving open lands in the outer areas. The long-standing goals for the Town and the waterfront have been reclamation and rehabilitation of the waterfront area, revitalization of the hamlet center through economic redevelopment and infrastructure improvements, increased recreational opportunities and establishment of community-oriented social activities and the facilities to accommodate them. This LWRP is intended to outline the policies and projects that will help the Town achieve these goals.

Section II Inventory and Analysis

General Description of Wilmington and its Waterfront

The Town of Wilmington is located in northern Essex County, within the Adirondack Park. Wilmington has a quaint hamlet, magnificent mountains and the beautiful Ausable River. Making it unique is its location at the foot of spectacular Whiteface Mountain amid the high peaks of the Adirondacks. Wilmington is 10 miles from Lake Placid and 30 miles from Plattsburgh.

The West Branch of the Ausable River is a powerful and beautiful river that has long been a focal point in the Adirondack Park. Its situation at the base of the Stephenson and Sentinel Mountain Ranges, ease of physical access, proximity to abundant natural resources and beauty are the reasons Wilmington was founded in 1821 and why it remains a visitor destination today. The West Branch of the Ausable River is also recognized internationally as one of the finest fly-fishing venues in the Northeastern United States.

Approaching Wilmington along Route 86 from Lake Placid, the area is characterized primarily by the rugged wilderness beauty and the ever-changing colors of rocks and trees. This route follows the west branch of the Ausable River on one side of the road; the other side is primarily lined with rocky, wooded ledges. A number of trailheads are visible, as well as parking areas leading to other trails and ponds. Driving through “The Notch” (approximately 5 miles north of Lake Placid) is an experience unto its own. The road narrows and is guarded by rock walls and lush vegetation. The mountains rise sharply to the sky through this narrow canyon. A little further along Route 86, in the shadow of Whiteface Mountain, one can take a nature walk to view the Ausable River as it tumbles and spills over ancient granite cliffs at High Falls Gorge, a natural tourist attraction. It is no wonder Route 86 is designated as part of the New York State Olympic Trail Scenic Byway system.

Along Route 86 a handful of outlying motels, restaurants and business establishments have been built and nicely maintained. The area from the Ledge Rock Inn to approximately Steinhoff's Motel and Restaurant is one area of concentrated development. Within this stretch are smaller motels, a lovely bed and breakfast and typical Adirondack summer cottages. The popular Hungry Trout Motel and Restaurant sits above the rushing river and the fabled Flume area. This Flume area, another place where the river rushes and falls to create a spectacular vista, is a favorite swimming spot in the summer and provides access to multi-use recreational trails. The Wilderness Inn, the Evening Hatch Fly Fishing Shop and Restaurant and several more cottages complete this area of development. There are residences of varying character interspersed along Route 86 before, after and amidst the hamlet center. Abandoned, boarded up buildings and residences can also be observed and detract from the beautiful landscape of the area.

The community character of Wilmington is centered primarily in and around the hamlet's historic bridge over the West Branch of the Ausable River. From that bridge, breathtaking views of Lake Everest, the dam and surrounding mountains are enjoyed year around by local residents and visitors. In warmer

months, people can always be seen fishing along the bridge and the banks of the river, walking around town, playing on the beach, biking. Here beats the heart of Wilmington. An attractive, well-lit driveway off of Route 86 leads visitors to the town beach area at Lake Everest, although the sign can be hard to see. This area is the center of waterfront activities in the summer months, when summer concerts and gatherings are held regularly. Lifeguards watch over swimmers and beach activities. In the summer months, the ice cream stand on Route 86 often becomes the “unofficial” meeting place, especially on warm evenings. At the beach area there is a pavilion, restrooms, barbeques, children’s playground equipment, and picnic areas, which are less than adequate and could be improved. Town land adjoining the beach is also underutilized and has the potential for interpretive trails, a garden, or other uses. The beach is a primary put-in area for kayaks and canoes. In recent decades, however, water activities have decreased at the beach as sediment from many sources has begun to infill the impoundment.

Continuing north on Route 86 from the beach turn-off, a right turn at the stop sign takes travelers east through the center of Wilmington, and a left turn leads up the Whiteface Mountain Veterans Memorial Highway past Santa’s Workshop to the top of Whiteface Mountain. The mountain road leads to the highest point to which one can drive in the state of New York, and provides a 360 degree view on clear days. Whiteface Mountain has hosted innumerable national and international skiing competitions, including the 1980 Winter Olympics, and the SUNY-Albany Atmospheric Sciences Weather Research Center on the mountain. It is open for mountain biking and gondola rides (approximately 55,000 visitors per year on average for the latter, according to ORDA), during summer months. The historic Marble Mountain Lodge still furnishes space for headquarters. The mountain road itself is a venue for competitions for hiking, running, biking, and cross-country skiing, as well as an average 60,000 motor vehicle visits per year during the summer months.

The Town character is defined partly by its economic and social history as well as by its inclusion within the boundaries of New York State’s Adirondack Park. Wilmington is comprised of a roughly equal mix of working families making close to or less than the Essex County average annual income of \$34,000 and second home owners and retirees whose recreational, economic, land use and social interests can conflict. The community of approximately 1100 people has roots largely in the working population, whose precedents made their living off the land through logging, mining, farming or other natural resource-based activities, and whose recreational pursuits were outdoor-oriented as well. (See Appendix 4 for Selected Community Input, or see the website for more complete information.)

This culture is reflected today in the strong interest in hunting, fishing, outdoor sports, and the needs of some families for the natural resources that still provide them with food (venison, trout) and fuel (wood). The trend of basing livelihoods around the natural gifts of the Town began in the late 19th century and continues today. Travel enthusiasts have long proclaimed the area’s beauty and outdoor sport opportunities, from trophy fishing, to mountain hiking, viewing waterfalls, jumping in the river’s swimming holes, paddling, and skiing. Wilmington’s culture is slowly changing to encompass the character of newer residents and visitors, many of whom lived for long periods or still live part-time in more urban areas.

With 62 percent of its land within State preserves, the Town's residents and visitors have a strong interest in protecting their existing quality of life and the factors of natural heritage, scenery, and quiet that envelope them. A high percentage of local income is derived directly or indirectly from the proximity of these features, prompting Wilmington to establish an Empire Zone designation for most of its economic resources .

In this document special attention is to be given to the impoundment area, now called Lake Everest, which has existed since 1812 when it was established by a local entrepreneur to capture power for a range of natural resource-based industrial ventures. As these industries declined in the Adirondacks through the 20th century and Wilmington shifted to a tourism-based economy, the lake became more important in the lives of local people and visitors alike as a recreation venue and scenic vista. In the last 30 – 70 years, the impoundment area has accumulated sediment in quantities that are negatively affecting its health as a trout-friendly ecosystem, as well as in terms of its access as a recreation objective for paddlers and others. Many residents can recall a time when waterskiing was possible on the lake; today, many cite its shallowness as a constraint to a variety of recreational activities.

Existing Land Use and Zoning

Town Zoning

Use of Wilmington's 42,086 acres is guided by the Town Land Use Code of 1988, which was made in accordance with the Wilmington Comprehensive Plan of 1975. It consists of six categories: Village Center, Residential, Moderate Residential, Open Residential, Rural Residential and State (see [Map 3](#)).

The majority of waterfront property in the Town is classified as Residential or Village Center. As the entire Town is located within the boundaries of the Adirondack Park, the Adirondack Park Agency (APA) Land Use Plan guidelines also apply to development within the Town of Wilmington, though the Town has more control over development within the Hamlet area ([Map 4](#)).

The Town's Land Use categories are as follows:

- **Village Center:** 1 acre per principal building. This zone follows the Rte. 86 road corridor from approximately 4000 feet past Fox Farm Road to Bilhuber Road, to just past Reservoir Road on Rte 431, and down both sides of Springfield Road to Quaker Mountain Road, then only on the eastern side of Springfield almost 4000 feet further. The majority of commercial properties lie within this zone and most of those depend to a degree on waterfront activity for their livelihood. Cultural resources, including churches, a library, a crafts store, and two small private schools exist in this zone. Few pedestrian-friendly accommodations currently exist, though the potential is high to create a pedestrian zone and stronger community-oriented presentation in the hamlet center.
- **Residential:** 1 acre per principal building, with the exception that multiple family dwellings require a minimum of 2 acres. This zone is primarily two large areas, one south and one northeast of the hamlet center. Several important water-dependent commercial ventures lie in this zone, including the Hungry Trout motel and restaurant and the KOA campground.

- **Moderate Residential:** 3 acres per principal building or use. This zone is primarily two large areas, one west and south (toward Hardy Road and along Springfield to Upper Jay) and one north (encompassing Bonnie View, Lenny Preston, and John Bliss Roads) of the hamlet center. Extensive ties to the water exist here, from fly-fishing access points to farm-friendly valley bottomlands to traditional trails.
- **Open Residential:** 5 acres per principal building or use. This zone is primarily two large areas, one west of the hamlet center and one north of the moderate residential zone, and a smaller area east of the residential zone, to the Jay town line. The western component seems to be a source of sediment flow into the river via Stephenson Brook, possibly due to sand deposits in winter conditions on Rte. 431.
- **Rural Residential:** 8.5 acres per principal building or use. This zone is three large areas, one northeast along the Jay boundary, one east of Hardy Road and one south of the residential/moderate residential zones. The northeast section follows the river through farmland and presents excellent fishing opportunities, but is all privately owned. The other two sections surround Beaver Brook, an important stream for local landowners.

Exceptions and conditions apply to certain aspects of each category, which must be approved by the Zoning Board of Appeals.

The Land Use Code also contains Special Shoreline Regulations, based on APA regulations, which are applicable in all zoning districts and pertain to all lakes, ponds, rivers and streams navigable by boat. The regulations include:

1. Minimum setbacks for on-site sewage facilities: requires a minimum 150' setback from the mean high-water mark for any on-site septic system or leach field, and applies to all lakes, ponds, rivers, streams, marshes, swamps or wetlands.
2. Cutting Restrictions: the removal of vegetation is permitted within 35' of the high water mark and not more than 30% in excess of 6" dbh at any time over a 10 year period. No removal of vegetation is allowed within 6' of the mean high water mark, except that up to 30% of the shoreline may be cleared on any individual lot. These standards shall not prevent the removal of diseased vegetation or dead, rotten or damaged trees that pose a health or safety hazard.
3. Minimum shoreline frontage for deeded or contractual access: a minimum shoreline frontage shall be required:
 - a. Where 5 to 20 lots or multiple family dwelling units are involved, a total of no less than 100'.
 - b. Where more than 20 and not more than 100 lots or multiple dwelling units are involved, a minimum of 3' for each additional lot or multiple dwelling unit in excess of 20.
 - c. Where more than 100 and not more than 150 lots or multiple dwelling units are involved, a minimum of 2' for each additional lot or multiple dwelling unit in excess of 100.
 - d. Where more than 150 lots or multiple dwelling units are involved, a minimum of 1' for each additional lot or multiple dwelling unit in excess of 150.

No other land use regulations or restrictions specific to the waterfront exist in the current Land Use Code, which is 19 years old. The language is vague in several areas, and is in need of updating. Specifically, the site plan review guidelines are very general and require only that the zoning board “consider,” rather than prioritize, issues deemed critical in the LWRP, such as pedestrian access and erosion control. Updates to the Land Use Code will be required to implement many of the recommendations listed in this LWRP.

APA Land Use Classifications

APA Land Use Classifications are guided by the State Land Use Master Plan. Lands in the Town of Wilmington are broken down into the APA land use classifications in addition to being guided by the Town’s zoning code. [Map 11](#) shows the APA land use classifications for the Town of Wilmington.

See Table 2 for a breakdown of the land use classifications for lands within the Town of Wilmington.

Table 2 - Adirondack Park Agency Land Use Classification Plan

Classification	Intensity Guidelines	Percent of Total Town Area
Hamlet	No Limit	1.4%
Moderate Intensity	1.3 acre average lot size	4.0%
Low Intensity	3.2 acre average lot size	9.7%
Rural Use	8.5 acre average lot size	15.7%
Resource Management	42.7 acre average lot size	6.0%
Wilderness	No development	30.4%
Wild Forest	No development	25.2%
Intensive Use	No development	7.2%
Water	No development	0.4%

Discrepancies between Town Zoning and APA Land Use Classifications

There are several areas where Town land use boundaries and category definitions differ from those of the APA. The most critical areas where this discrepancy occurs are located in and around the functional hamlet area of Wilmington. Much of the land surrounding the current APA classified “Hamlet” is developed in a dense pattern and with land uses that are inconsistent with the lower density classifications that are currently applied to them. Bringing the APA classifications for lands in the “Village Center” area in line with the existing development pattern will allow the Town of Wilmington to better manage its hamlet area and exert the appropriate local control over future development that occurs there. A discussion of the specific issues involved with this land classification change can be found in Section VI.

Other Relevant Local Development Controls or Planning Initiatives

The following is a list of plans prepared for the Town of Wilmington, local laws that are currently in place, and other documents, laws, and plans that impact decisions made by the Town. These documents

were taken into consideration during the creation of this LWRP and should continue to be referenced during implementation of the recommendations outlined in Sections III and IV.

- *Comprehensive Plan for the Town of Wilmington (October 1975)*
This plan identifies the natural character of the Town as a critical asset, and identifies the direct relationship between recreational-based tourism and the town's economic growth potential. The Comprehensive Plan lists land within ½ mile of the river as a Critical Environmental Area. It also states that the "land and water resources in Wilmington have a variety of forms and functions. The capacities of these resources for use by people must be identified. Once identified, the use of these resources must be reasonably managed or used. Not only are the health and welfare tied to the land and water resources, the projection of the Town's image and the potential for growth objectives is related to the way in which land and water resources are managed."
- *Town of Wilmington Subdivision Regulations*
The Wilmington Planning Board adopted their subdivision regulations originally in 1975, and made revisions in July 1977 and most recently in 2004 to include new erosion prevention practices.
- *Hamlet of Wilmington: Strategies for Development (November 1983)*
This report explores the historic evolution of Wilmington dating back to 1799 and traces the boom and bust cycles that it has experienced through time. It provides a framework for revitalization that capitalizes on its natural and scenic resources to transform the community into an important Adirondack destination. The last section of the report outlines a number of action programs aimed at revitalization, including physical improvements to public areas, redevelopment of private sites, promotional activities, marketing and human resource development and organization.
- *Town of Wilmington Community Revitalization Plan (June 2001)*
This report focuses not on land use or design issues, but a strategic and market-oriented approach to community revitalization. A facilitated public planning process was conducted in order to help residents and stakeholders understand the market factors that offer opportunities for economic development, create consensus among the stakeholders for the community's future direction and prioritized development goals, and create public ownership in plan implementation. Specific to the town's waterfront, the strategy identified the Ausable River and Lake Everest as important natural resources and major tourist attractions. The participants have identified outdoor recreation revolving around the Ausable River as a primary strategic goal for improving the economic viability of the community.
- *Olympic Scenic Byway Corridor Management Plan (August 2004)*
This regional planning document provides for the planning and promotion of tourism and economic development as well as the conservation and enhancement of the byway's intrinsic qualities. The plan includes all the cities, towns, villages and hamlets (including Wilmington) along the 170-mile New York State Byway that travels through Jefferson, Lewis, St. Lawrence, Franklin, Essex and Clinton Counties. The overall goals of the Byway Program are to recognize,

interpret, maintain, enhance and preserve the unique qualities of the Byway. The Management Plan can be used as a reference tool for future regional planning efforts in Byway communities along Rt. 3, Rt. 86, and Rt. 9N from Lake Ontario to Lake Champlain.

- *Wilmington Wild Forest Unit Management Plan/Environmental Impact Statement (October 2005)*

This five-year plan covers activities of the Dept. of Environmental Conservation and the Adirondack Park Agency – following the State Land Master Plan - within the Wilmington Wild Forest Preserve. It establishes a public-private partnership between the DEC, local governments, interested groups and citizens to cooperatively develop strategies for the use, conservation, enhancement, and enjoyment of this area. The WWF includes areas of forest preserve within the LWRP Boundary area. Its goals are broad and overlap with those of the LWRP: to provide for the long-term protection of the area and natural resources, to encourage various outdoor recreation activities without destroying the natural character of the area, to preserve and protect known cultural resources within the area.

- *Whiteface UMP Amendment /EIS (2006 Amendment to 2004 UMP)*

This amendment document addresses trail construction above 2800 feet and includes erosion control plans, an expansion of facility construction at the children's ski area, protection plans for the Bicknell's Thrush, whose habitat is extremely restricted, changes in water/snow pump operations, and a new staff road. Its impacts should be reviewed carefully over time and in the context of a sedimentation source or watershed study, for potentially increased erosion and wastewater pollution effects on the area downstream.

- *Wild, Scenic and Recreational Rivers System Act*

The Ausable River is designated as a Wild, Scenic and Recreational River under the State's Wild, Scenic and Recreational Rivers System Act, and is subject to special protection. Inside the Adirondack Park, the law is administered by the Adirondack Park Agency. With respect to designated rivers, the law and regulations:

- Require an agency permit and establish standards for subdivisions, single-family dwellings and most new uses and structures in river areas
 - Regulate the cutting of trees in the entire river area (within ¼ mile of the river), including a prohibition on cutting within 100' of the river
 - Restrict motor boating and other motorized activities
 - Regulate bridge and road building
 - Regulate structures (such as dams) and activities (such as dredging or filling) that alter a river's natural flow
 - Allow continuation of lawfully existing, non-conforming uses, but require permits or variances for expansion or change in use
 - Prohibit certain "non-compatible" uses
 - Prohibit new structures in wild river areas
- *Adirondack Park State Land Master Plan (Revised 2001)*

This document sets forth the master plan for all state lands within the Adirondack Park. The classification system and guidelines set forth are designed to guide the preservation,

management and use of these lands by all interested state agencies in the future. In Wilmington, this includes land owned by the Department of Environmental Conservation (DEC) and Department of Transportation. The DEC has the authority independent of the Master Plan to regulate uses of waters and uses of wild, scenic and recreational rivers running through state land, but may not have such authority to regulate certain uses of waters where all or part of the shoreline is in private ownership. The APA has the authority to regulate motorized use of wild, scenic and recreational rivers and their river corridors on private lands. Existing power and authority of the state and local governments over state waters should be reviewed with consideration given to legislative needs to more accurately define authority over these waters.

- *NYSERDA Energy Smart Community (2003)*

The Town Board of Wilmington adopted a resolution to become an energy smart community in February 2003, urging its inhabitants, businesses, and others to cooperate with NYSERDA to introduce energy efficient technologies in the Town. (See Policies for full text of resolution.)

Water Resources, Quality, and Management

Water Resources

The Ausable River

The Ausable River begins in the High Peaks region of the Adirondack Mountains and travels almost 60 miles to Lake Champlain. The watershed of the river drainage is approximately 516 square miles and the Chubb River, along with over 70 small streams, feeds the Ausable.

The Ausable River is recognized nationally and internationally for its exceptional resources, including white water and non-white water river recreation, regionally significant tourist attractions, and wild trout fishery. The Ausable is designated as a Wild, Scenic, and Recreational River, a program operated under the New York State Environmental Conservation Law that recognizes and protects waterways with “outstanding scenic, ecological, recreational, historic, and scientific values.”

In 1989-1991 and 1994-1995 the National Park Service conducted a comprehensive study of the Ausable River with the Towns that border the river. This report includes ecological, cultural, and recreational information and makes several recommendations that should be reviewed and updated. A second report compiled in 1994 by William Schoch of the DEC Bureau of Fisheries, entitled “West Branch Ausable River: Habitat, Fishery Resources and Angler Concerns,” is the most comprehensive analysis of the West Branch of the Ausable River to date. Many of its conclusions and data are included in this Inventory. The East and the West Branches of the river are different in several characteristics, including water quality, land ownership patterns, species composition, and erosion and flooding patterns.

The West Branch of the river flows 35 miles from Heart Lake to Ausable Forks. In Ausable Forks the east and the West Branch meet to form the Main stem and flow an additional 22 miles to Lake Champlain. The West Branch of the Ausable River passes through Forest Preserve Lands throughout its course as well as private lands in the Village of Lake Placid and in the hamlets of Wilmington and Ausable Forks before joining to form the main stem.

Route 86 follows the west branch of the Ausable River on one side of the road; the other side is primarily lined with rocky, wooded ledges. A number of trailheads are visible, as well as parking areas leading to other trails and ponds. A significant portion of Route 86 is in the shadow of Whiteface Mountain, and one can take a nature walk to view the Ausable River as it tumbles and spills over ancient granite cliffs at High Falls Gorge, a natural tourist attraction. The fabled Flume Area is a favorite swimming spot in the summer and provides access to multi-use recreation trails. Multiple fishing spots line the entire stretch of Route 86 into Wilmington. There has been some sampling for fish in the tributaries of the West Branch, where native populations of trout can be found.

One long-time resident notes: “There have been many recreational uses on the West Branch of the Ausable River such as swimming, fishing, motor boating for fishing and pleasure, ice skating, speed skating events, snowmobiling, skiing, waterfowl hunting, frog hunting, trapping furbearers, fishing contests, water skiing, canoeing, tubing and picnicking. All of these activities, with the exception of water skiing, which is no longer feasible due to shallow water depths and the distance from shoreline rules, are things that are regularly pursued and should continue to be in the future.”

Lake Everest

Lake Everest is a 30 -acre impoundment of the West Branch of the Ausable River that is used for swimming, boating, kayaking, canoeing and fishing. The dam that created the impoundment was constructed in the early 1900s as a source of electricity for the Town and was reconstructed in the 1930s. At this time, a lakeside park was developed to provide residents and tourists increased access to the lake. This area is the center of waterfront activities in the summer



months. Lifeguards watch over swimmers and beach activities. There is a pavilion, restrooms, barbeques, children’s playground equipment, and picnic areas. The beach is a primary put-in area for kayaks and canoes, and summer concerts and gatherings are regularly held at the beach. The hamlet’s center, especially in the vicinity of the historic bridge over the West Branch, provides breathtaking views and a publicly accessible fishing spot.

In recent decades, water activities have decreased at the beach as sediment from many sources has begun to infill the impoundment. The recreational value of Lake Everest has declined due to the buildup of sediments, reducing or limiting swimming and navigation of the lake by boat. The increased sedimentation has affected the overall health of the river and is believed to have reduced fish populations. This issue is discussed further in the Management section below.

Water Quality

The Adirondacks are well known for their clean and beautiful waterways and the Ausable River is no exception. The water quality is generally high, as evidenced by healthy trout populations that require clean water to survive. Groundwater in the watershed is also of high quality.

The water that moves through a watershed as overland runoff can carry sediments, pollutants, and other materials that can impact water quality in waterways and groundwater supplies. Healthy watersheds and good water quality are vital for maintaining both a healthy environment and a strong economy, as they provide water for drinking, recreation, commercial fishing and other water-dependent

Stephenson/White Brook 



industry.

Tributary water quality and flow rates can greatly contribute to the overall quality of the Ausable River. There has been little attempt made to date to document the water quality of the tributaries flowing into the West Branch of the Ausable River.

Tributary water quality and flow rates can greatly contribute to the overall quality of the river. The Chubb River is the largest tributary to the West Branch of the Ausable River, and it has a great deal of sedimentation and water quality issues that affect the West Branch of the Ausable River.

Land use can have a major impact on water quality in the watershed. Some activities that contribute to water quality impacts include: sediments from construction sites; pesticides and fertilizers from lawns and golf courses; animal wastes from farms; and nutrients and pathogens from improperly functioning septic systems. Additionally, large areas of impervious surface can increase runoff leading to increased pollution, eroding stream banks, and decreased infiltration to recharge groundwater supplies. Development that encroaches on wetlands and riparian areas can lead to increased flooding, decreased water quality, and loss of habitat. See [Map 6](#).

In the summer of 2002 and again in 2003, high coliform bacteria levels in the West Branch of the Ausable River closed the Town of Wilmington Public Beach on Lake Everest. The single largest source of coliform bacteria loading is the Lake Placid Village wastewater treatment facility. Although it is clear that the bacteria load from the Lake Placid Village wastewater treatment plant was, prior to its completion and the installation of additional treatment (UV) technology, the largest source of bacteria in the project area, additional sources, possibly including failing septic systems and/or wildlife, were not clearly identified. In 2005 and 2006 the Town's quarterly water quality monitoring of E. coli bacteria and other pollutants indicated safe levels were maintained.

Wetlands provide habitat for many species and act as natural filters for the harmful substances that enter our waterways. Wetlands also play a significant role in reducing flooding and improving water quality. There are a number of APA designated wetlands within the river corridor (see [Map 7](#)). The majority of wetlands occurs on privately owned lands and is located along the lake/river corridor. Projects designated within classified wetlands on both private and public lands require a permit.

The primary responsibility for regulating land use and development in New York State rests with local municipalities. Through local land use controls, municipalities play a major role in guiding and regulating land use and development. By strengthening these local controls, municipalities can achieve water quality improvement, restoration, and appropriate development in the watershed.

One resource for the Town is the Ausable River Association (ASRA), formed as the result of the aforementioned National Park Service process and report in 1995. Early projects with the ASRA have focused on the East Branch of the river, as the East Branch was considered to be in greater need of study due to its lesser overall quality and greater overall level of threat. The ASRA recognizes the significance of the West Branch of the Ausable River and has several programs planned for this branch, which makes the ASRA a valuable partner for this LWRP.

A Watershed Management Plan is currently being prepared for the Ausable River with funds provided by the Department of State through the Environmental Protection Fund Local Waterfront Revitalization Program. This report is being overseen by an Advisory Committee with representatives from each of the seven watershed towns, two villages, the Essex and Clinton County Soil and Water Conservation Districts (SWCDs), the Essex County Water Quality Coordinating Committee (WQCC), and departments of NYS DEC, NYS DOT, and NY DOS. Other partnering organizations include Adirondack Sustainable Communities, NYS Adirondack Park Agency, the Lake Placid Shore Owners Association, the Nature Conservancy, Mirror Lake Watershed Association, and Whiteface Mountain Ski area. The purpose of the Watershed Management Plan is to protect and enhance water the quality and quality of life within the watershed and it should be used as a guide by Municipal Boards Planning Boards, and County Planning Offices within the Ausable Watershed.

Management

Sedimentation

Sedimentation is the process of depositing solid materials in a fluid. It is a problem that occurs in many river systems and affects fish, plants, wildlife and human life along the river. Rivers provide drinking water, water for agriculture, a source of power, transportation, fish and wildlife and recreation. The disruption that sedimentation can cause may prevent the full utilization of the river as a resource. Although sedimentation is a natural occurrence, human activities associated with development and construction greatly exacerbates it. The consequences can range from limiting recreational opportunities to fish kills to flooding.

Erosion along the banks of the West Branch of the Ausable River and its tributaries has increased over the years. A comparison of historic with recent aerial photographs of the project area also shows that

erosion and sedimentation have increased over the years, altering the river, its tributaries and Lake Everest. An inventory of the West Branch of the Ausable River for stream bank erosion and sources of sedimentation has not occurred as yet, but the Ausable River Association plans to conduct this survey soon.

A review of aerial photographs shows that some tributaries appear to be contributing significantly to the sedimentation of both the river and Lake Everest. Of particular note in the Town of Wilmington are White Brook, draining into Lake Everest (see photo), and an unnamed tributary entering the West Branch immediately downstream from the bridge at Whiteface Ski Area. In the Town of North Elba there is a large amount of sedimentation at the region of the ORDA ski jumps. Runoff from roads, such as Quaker Mountain and Rte. 86 at the Historic Bridge, is also problematic. See [Map 8](#).

Due to the increased sedimentation in Lake Everest, usage of the lake for recreational activities has declined and is having a negative impact on residents and visitors of Wilmington. The impairment of uses based on these changes to the Lake is beginning to have implications for the future health and prosperity of the Town. Tourists and residents alike enjoy the recreational offerings of Lake Everest, and further loss of quality and navigability of the Lake could have significant economic and quality of life consequences.

As long as sedimentation continues upstream and as long as the dam is in place to trap the sediments, the materials will accumulate. There are several natural and man-made factors affecting the sediment accumulation rate. In order to slow the rate of sediments from accumulating, the sources of sedimentation would need to be addressed. This list is long and includes sources from the Town of Wilmington and the Town of North Elba. It would be critical for the two Towns to work together.

Community input regarding Lake Everest was collected from public meetings in January and April 2006, from two surveys widely circulated to residents, and from visits made by citizens' committee members to local venues including the Mountain Artist's Group, Fish and Game Club, Senior's "Pals" Club luncheons, and Youth Center. Opinion ran strongly in favor of restoring the Lake to a greater depth, and while dredging the Lake was the main concept proposed at this meeting, there are a number of options for lake restoration that need to be explored.

The Town of Wilmington is currently undertaking a Beach Master Plan and Dredging Feasibility Study for Lake Everest, funded by the New York State Department of State. The dredging feasibility study will explore such issues as sediment characteristics, the appropriate amount to be dredged, possible methods for dredging, disposal techniques, cost estimates and potential re-use opportunities.

Stormwater Management

The Ausable River Association completed a Stormwater Gap Analysis for Wilmington in May 2006 in response to new regulations from New York State regarding stormwater discharges in communities that meet certain criteria. Given Wilmington's overwhelming demand for recreational use of the impoundment area now and into the future, it will consider strengthening control over stormwater and other sources of runoff and erosion in the waterfront area.

Flooding

Flooding damage does occur along the Ausable River and its tributaries, particularly in the Towns of Jay, Chesterfield and Keene. Many locations along the Ausable River exhibit severe stream bank erosion problems. Flooding can occur in the community during any season of the year but is most likely to occur in the late winter-early spring months when the melting snow may combine with intense rainfall to produce increased runoff. Due to the steep topography of the river, the spring melt/rain can result in flooding, stream bank erosion and damage to adjacent properties. These problems are more abundant for the East Branch of the river than for the West Branch. During winter, flooding has been a threat when ice jams form at the structures. See photo (Flood Damage at Whiteface, 1996, J.Sibalski).



Due to the steep topography and mountainous terrain, run-off from the watershed accumulates quickly resulting in a rapid rise in the water surface elevations within the floodplains, coupled with high velocity flows within the river corridor. These hydraulic conditions produce a variety of flood control problems such as a short warning time for residents to evacuate the flood plain, and scouring and erosion which cause damage to roadways and bridge foundations.

In an effort to minimize the risk of flood hazards and to minimize public and private losses due to flooding, the Town adopted the Town of Wilmington Development Permit Law for Flood Prone Areas in 1985. The National Flood Insurance Program protects participating communities from extreme financial loss in the event of a disastrous flood. Under the program, insurance is subsidized, up to an amount specified, on properties in areas designated as hazardous by the Federal Emergency Management Agency (FEMA). Wilmington currently participates in this program.

Dam Gates and Water Levels

Wilmington's dam was renovated in 2003, including replacement of the water gate. Residents are at times unhappy with the resulting management of the dam, especially when water levels are low, adding to the difficulty in using the waterfront to recreate and to the likelihood of further spread of water plants such as reeds that restrict open water areas. Some are concerned that the east side of the dam was not rebuilt during this renovation and its condition continues to deteriorate.

The problem with the dam gates was compounded in October 2005, when an extremely high number of consecutive rain events made it impossible for Town employees to remove boards on top of the dam. The boards were damaged by remaining under pressure during the Adirondack winter season, and consequently the Town needs to replace them or find another solution. In addition, the water was not

lowered adequately during the spring due to detritus blocking the gate. The Town is seeking improved methods of keeping the gate clear and may consider purchase of new technologies, such as rubber dam controls and special gate rakes.

Access

One of the most attractive tourism draws to the Adirondacks, and to the Town of Wilmington, is the ability for the public to enjoy the lakes and rivers of the region. The scenic and recreational value of the waterways are an inherent quality of the Adirondacks, but private ownership and land uses threaten the ability for the public to enjoy these resources. Wilmington has a number of publicly owned shoreline areas that can be used for boating, fishing, hiking, picnicking, bird watching, swimming, and other active and passive recreational purposes. Maintaining the existing access points and strategically acquiring new ones is critical to Wilmington's future as a recreational and scenic tourism destination.

Land Ownership Patterns, Including Underwater Lands

While the public is allowed to use the waterways due to government ownership of underwater lands, it is often difficult to gain access to the waterways across privately owned shore land. One critical issue is the challenge of obtaining easements for public access where private ownership dominates along the waterfront, for uses such as skiing, fishing, biking, riverside trails for hiking, and or other projects.

Topography and Geology

The Adirondack Mountains have shallow, nutrient poor soils and granitic bedrock. This is especially true for the watershed of the West Branch of the Ausable River. This area is also characterized by having low groundwater inflow. These features, coupled by a relatively steep topography, greatly affect the freshwater fisheries of the river and are discussed in that section. See [Map 5](#).

The West Branch of the Ausable River drains approximately 236 square miles and is the second steepest river system in the state, dropping approximately 1,500 feet over its 35 mile run to its confluence with the East Branch in Ausable Forks.

The topography of Wilmington is quite dramatic and provides beautiful scenery, as well as a number of exciting opportunities for recreation activities. Respecting and preserving the topographic and geologic resources of the Town is crucial to maintaining water quality and scenic vistas, and promoting the region as a recreational tourism destination.

Natural Resources

Wilmington has an abundance of natural resources that contribute to its attraction as an outdoor recreation area. Whiteface Mountain (elevation 4,867 feet), the fifth highest peak in the Adirondacks, is located in Wilmington. Whiteface is unique in that it sits apart from the majority of New York State's 4,000-foot mountains and in that it has been extensively developed. The mountain has a two-lane highway that approaches its summit and a large ski center. According to the 2004 Whiteface Mountain Unit Management Plan, it also houses critical habitat for the highly endangered Bicknell's Thrush, and is

working to help protect it. Although Whiteface Mountain has been developed, a large portion of the mountain remains wild and undeveloped.

In addition to the mountain, the Town of Wilmington has other wild and undeveloped land within the Wilmington Wild Forest, the McKenzie Mountain Wilderness Area, and the Sentinel Range Wilderness Area. A final Unit Management Plan has been written by the NY State Department of Environmental Conservation for the Wilmington Wild Forest. Information in this section was drawn partially from the draft of this UMP, dated April 2005.

Climate

The general climate of the project area consists of long, cold winters with high winds. Arctic conditions are encountered on the summit of Whiteface Mountain and daytime temperature fluctuations of 20 to 30 degrees Fahrenheit are common. Summers tend to have warm days with cool nights, with the maximum daytime temperature seldom exceeding 90 degrees. Frost can occur any month of the year and freezing temperatures are occasionally recorded during July and August. The annual precipitation, in rainfall, is between 40 and 60 inches per year, with snowfall ranging between 100 and 150 inches per year.

Extreme climatic changes have occurred in Wilmington as recorded during the 1998 ice storm and the Hurricanes of 1950 and 1999.

Air Quality

Air quality is rated Class II (moderately well controlled) by federal and state standards. Class II is considered to be good to excellent. However, particulate matter blown in from outside pollution sources affects air quality. This outside pollution is commonly referred to as acid precipitation and is being studied by the NYS Atmospheric Science Research Station located on Whiteface Mountain.

Acid precipitation is known to contribute to the mortality and decline of red spruce populations at high elevations. Acid precipitation also changes the water quality of lakes within the Adirondack Park. Studies conducted by the Adirondack Lake Survey have shown sulfates have decreased in these lakes with decreases in sulfate emissions and depositions and nitrates have continued to increase with stable levels of nitrogen emissions and depositions.

In addition to the lakes, acid deposition does have negative effects to streams and rivers. These effects are more difficult to quantify, yet many streams and rivers cannot support native populations of Adirondack brook trout. Initial reports from fish collections made on the White Brook and Little Black Brook do not indicate an acidity problem. These reports also do not indicate a problem for the West Branch of the Ausable River.

Important agricultural lands

Although in Wilmington's early days extensive areas in the watershed were cultivated for rye and other crops, today there are limited agricultural lands within the Town of Wilmington. Upstream, in the Town of North Elba, there are a number of potato fields that border the Chubb tributary. The significance of

these potato fields to the volume of sedimentation in and the water quality of the river has not been examined. There are also the horseshow grounds and Haselton Road bottomlands, which may be additional sources of non-point pollution runoff to the Ausable River.

Significant Fish and Wildlife Habitat

Fisheries

The Ausable River is identified by fisheries biologists as one of the best trout fisheries in New York State. The entire river offers good trout habitat, however the east and the West Branch are best known for Brook and Brown Trout. (Rainbow Trout and Small mouth Bass are found in the main stem of the river and landlocked salmon occur below Ausable Chasm.)

The New York State DEC and Essex County stock hatchery raised strains of fish throughout the river. The West Branch is stocked with Brown trout, Brook trout, and Rainbow trout. The West Branch is reported to be one of the most heavily fished streams in the state. According to community wisdom, there are few if any "native" fish left in the Ausable. There is an ongoing debate about how to manage the West Branch fishery; some view the stream as strictly "put & take" (i.e., any fish stocked in one year have to be replaced by stocking the next year because all are caught and too few reproduce or over-winter to sustain a sport fishery); others long for an approach with less human interference.

Although trout reproduce normally in the river, these species have not been able to maintain their population sizes in the river. Ice conditions (anchor ice) and embeddedness (sedimentation) create circumstances where high mortality of fish is probable. In addition they cannot compete with hatchery fish when stocking occurs. Fish hatchery data confirm this mortality. These effects are discussed in greater detail later in this report.

In 1992 the DEC Fisheries Unit conducted a study to look at the quantity and quality of fisheries in the West Branch of the Ausable River. This study was prompted by anecdotal information suggesting that the fishery of the West Branch has lessened over the past several decades. The data that was collected was used in comparison to historic data in an effort to document trends. Although there are some differences in sampling sites and procedures over the years, general comparisons could be made.

The following four conclusions were made:

- Holdover of hatchery trout is low.
- Wild brown trout are present but relatively low in abundance.
- Growth rates of the wild brown trout are excellent.
- The relative abundance of large trout in the West Branch is low.

Significant Species Data and Natural Communities for the Wilmington Area

The Wilmington Wild Forest UMP has a species list for mammals, birds, amphibians, and reptiles that can serve as an indicator of which species may be found within the project area. Species lists for specific areas along the river exist, but are not all-inclusive for the project area.

According to local residents, snapping turtles are commonly seen laying eggs along the sandy areas of the Lake on summer mornings. Some sites may conflict with local land uses, including the beach playground area and private homeowners' waterfront access. Turtles might also provide a "natural heritage" interest point for residents and visitors that may not be aware of their presence.

The New York Natural Heritage Program (NYNHP), an inventory program in conjunction with the DEC and The Nature Conservancy, has identified several rare species and exemplary natural communities within the project boundary. A great number of these species and natural communities are associated with the alpine ecosystem and would not be found in the riverine habitat. Other species may be located within the river corridor and these areas should be considered sensitive. This data is constantly being updated. Prior to the start of any project within the study area, a request for updated location information should be made to the NYNHP. The presence of rare species may require special review, permits, or permits conditions for projects proposed within this region.

Invasive Species

Non-native invasive species directly threaten biological diversity and the high quality of natural communities throughout the Adirondacks. Invasive species alter native plant assemblages and may form mono-specific stands of a species. These mono-specific populations are typically of low quality forage for native wildlife and can eliminate the original, native species.

Invasive species have only recently become a recognized ecological problem in the Adirondack Park. Although invasive species are not yet predominant, their increase is of concern to the ecological, recreational, and economic value of the Park's natural resources. Because the numbers of invasive species locations are relatively low, a unique opportunity exists within the Adirondack Park to work proactively at detecting, containing, and eradicating invasive species. This is especially true within this project area.

The West Branch of the Ausable River corridor has confirmed multiple locations for one invasive species, the Common Reed (*Phragmites australis*). In contrast, the East Branch of the Ausable River has multiple locations of this and several additional invasive species. It is only a matter of time before the Common Reed spreads and Purple Loosestrife and Japanese Knotweed invade the project area.

Infrastructure

Transportation

Wilmington is served by approximately 17 miles of State roads and one State bridge, 17 miles of County roads and 14 miles of Town roads. The hamlet of Wilmington is located on NYS Rt. 86, which runs through the commercial and residential areas of the hamlet. Route 86 leads to the Village of Lake Placid to the southwest along a 9-mile stretch which passes through Wilmington Notch. Route 86 leads to Jay to the east, where it meets NYS Rt. 9N – a major state route leading to the northern City of Plattsburgh and leading south to meet NYS Route 73 and Interstate 87 (the Adirondack Northway), an access route to the Adirondacks via Albany.

Route 86 through Wilmington is part of the State designated Olympic Trail Scenic Byway, which runs along Route 3, Route 86 and Route 9N from Sackets Harbor to Keeseville. The eastern section of the Olympic Byway begins at the Raybrook/Village of Lake Placid line on Route 86 and passes through the Olympic Village, Wilmington and Jay.

The other State Highway in Wilmington is the Whiteface Mountain Veterans Memorial Highway (State Rt. 431), a seasonal toll road constructed in the 1930s. The road is open from May to October, and rises over 2,300 feet in 8 miles from the Toll House, providing spectacular 360-degree views of the Adirondack Mountains.

Major county roads that connect Wilmington to other hamlets include Co. Rt. 19 (Bonnie View Road) which leads to Black Brook, and Co. Rt. 12 (Springfield / Haselton Road) which leads to Upper Jay to the south and Black Brook to the north.

The stone-arch bridge over the Ausable River on Rt. 86 in the center of town is owned and maintained by the New York State Department of Transportation. This historic bridge, constructed in 1935, is listed on the New York State Register of Historic Places.

Bicyclist/Pedestrian Facilities

The sidewalk infrastructure in Wilmington is limited. A concrete sidewalk exists on NYS Rt. 86 on the east side of the road beginning at Riverbend Way (a private road) and extends until the intersection of Rt. 431. From the intersection, it continues on the south side of Rt. 86 and terminates at Park Lane and the Northern Lights School. Sidewalks exist on both the north and south sides of the stone-arch bridge on Rt. 86, but the north side terminates when the bridge ends. An asphalt sidewalk exists on the south side of Springfield Rd., beginning at the intersection with Rt. 86 and extending approximately 100' past the town offices where it abruptly terminates.

New crosswalks were installed in late 2006 under an agreement with the NYS DOT. Efforts to install bike paths and additional sidewalks have been launched multiple times with no success due to financial constraints, landowner objections, or lack of agency cooperation. The community indicates a very strong interest in improving road biking routes and pedestrian facilities throughout the downtown area and will seek additional support to achieve this goal.

Wilmington has a recreational trail system known as the Wilmington Wild Trail System (WWTS). The WWTS is designed to be a multi-use trail system for mountain biking, hiking, snow shoeing and cross country skiing. It is a cooperative project between the NYS Department of Environmental Conservation and the Wilmington Mountain Peddlers, a group of local volunteers, to improve access to the 14,000+ acre Wilmington Wild Forest. A total of six trails currently exist, of varying degrees of biking difficulty. The trail system consists primarily of an inter-connecting series of old logging roads, one of which connects to the Whiteface Mountain Biking Center system of down-hill skiing trails.

Sewage Disposal

The Town of Wilmington does not have a municipal sewage system. Sewage disposal is currently handled by individual, on-site septic systems. Many systems are closer to the Ausable River than would currently be permitted under code; they were “grandfathered” in as previously existing systems. State and Town officials suspect that several or many such systems may need to be replaced and/or upgraded. Maintaining healthy septic systems is crucial for the preservation of water quality.

Solid Waste Disposal

The Town maintains a landfill transfer station on Bonnie View Road approximately 5 miles from the Rte. 86 intersection. Littering and illegal dumping continue to be problematic in certain areas, including the Flume, Lenny Preston Road, on individual properties, and in other public areas, despite a stated Town fine of \$1000 per offense. The Town hopes to pursue these problem areas with support from state agencies.

Municipal Water System

The reservoir that is the water source for the town is located off State Rt. 431. The reservoir in turn is sourced by White Brook and Red Brook, which therefore require protection. Wilmington currently has one water district. Water District #1 consists of a water filtration plant and storage tanks located on Reservoir Rd. about 1 mile from the intersection of Rt. 86 and Rt. 431, and a pump station on Quaker Mountain. The water distribution system consists of water mains of various sizes along Rt. 86 and roads including Haselton, Bonnie View, Quaker Mountain, Fox Farm and Manning.

Over the last several years, the Town has aggressively replaced the old, deteriorating asbestos-cement water pipe and undersized, shallow water mains in Water District #1 with new cast iron pipe. An extension of the existing Water District #1 is currently being proposed that will provide municipal water service to the Whiteface Mountain Ski Center, which is currently experiencing problems with insufficient potable water supplies and fire protection capabilities. The proposed Water District #2 will consist of approximately 2,960 linear feet (lf) of 8” water main, 2,040 lf. of 12” water main, 2,200 lf. of 16” water main, three fire hydrants, a concrete storage tank, and a booster station facility to provide municipal water service to Whiteface Mountain. The project will also include various improvements to Water District #1.

Environmental Issues

A workshop held in May 1990 in the Town of Wilmington and documented by the National Park Service Ausable River Study (1995) best describes residents’ concerns and issues relating to water quality and pollution. Water pollution due to non-point sources was a major point of concern, including waste entering the river from insufficient septic systems and recreational use. Other non-point sources include sedimentation due to dirt roads, paved roads, construction, road sanding, stream bank erosion, road salt and silviculture. Water pollution from point sources included sewage treatment plant bypass valves, direct discharge from residents and leaking underground gasoline storage tanks.

Solid waste management is noted among community concerns raised during the LWRP process. Sites including an informal dump on Lenny Preston Road, the Flume swimming hole, and the beach were noted as places where trash receptacles are insufficient, nonexistent, or inadequately maintained by responsible authorities.

There is no Federal or State designated hazardous waste site within the Town of Wilmington.

Historic resources

Wilmington's history and current historical and cultural resources revolve closely around the Ausable River as noted in this background written in the late 19th century. The following is an excerpt from H.P. Smith's book, A History of Wilmington, 1885:



Photo from NYS Archives

From the summit of Whiteface can be had one of the finest views in Northern New York, owing not more to its great height (which is exceeded by several mountains farther south) than to its singular isolation and the beauties of the AuSable valley stretching north from its base. On the eastern side, impending directly over the AuSable, rises a perpendicular cliff of solid rock to an elevation of 2,000 feet and opposite to it another mountain rises with

scarcely less terrible grandeur, compressing the river into a narrow pass, but ---- feet in width, through which the water tumbles and plunges with a confused and incessant roar, in one place leaping down a perpendicular precipice of one hundred feet this is Wilmington notch. Another place worthy of note is Copperas pond, so named because its waters are strongly impregnated with iron sulfate. The decomposition of iron pyrites has left also copious deposits of copperas among the rocks in the vicinity.

Thus the topographical aspect of Wilmington is seen to be rough, elevated, and mountainous, with long slopes descending to the AuSable and its tributaries and presenting varied and picturesque scenery. The soil is a sandy and gravelly loam, and where it can be cultivated without danger from the frequent floods and overflows, occasioned by the numerous declivities which diversify the face of the town, is very fertile and productive. Beds of iron ore are numerous but are only slightly worked. Sometime between 1815 and 1820 the Hon. Reuben Sanford... created an extensive iron manufacturing establishment on the site of the village of Wilmington, on the West Branch of the AuSable. He suffered great losses through the violence of the elements and the fluctuations of business, and was obliged at last to transfer the property to

others. It has since gone through a number of changes. In 1868 the site was occupied by a grist-mill and starch factory, a saw-mill with three gates and forty saws, and a forge owned by Weston & Nye, having two fires, but adapted to four, which in that year made about two hundred tons of iron. The ore was drawn from Palmer Hill. Wilmington and North Elba comprise about the only district of extent or value in the county which is occupied by the primitive forest of hemlock, spruce, and pine. Owing to the almost insurmountable barriers interposed by the mountains which environ this district, it is impracticable to export manufactured lumber from this region. Fifteen years ago it was estimated that this tract would yield a million of saw logs. In early times the tillage of the town was devoted almost wholly to the production of rye which was used to supply the distilleries. These works were far more numerous in Wilmington than in any other part of the county. During the war of 1812 the manufacture of whisky was a lucrative and therefore extensive occupation, and the revenue of the inhabitants of Wilmington not only, but of all the towns accessible to the genius of commerce, was greatly increased.

The dam has long been an important part of the economic and cultural climate of Wilmington as well. Karen Peters, president of the Wilmington Historical Society, noted in a speech at rededication of the Wilmington Dam, July 2005:

The dam served to create a log-holding pond for industry. Behind the dam was a containment pond to hold the logs needed for the sawmills, and for the cord wood needed for the charcoal kilns which in turn furnished the fuel for the iron forge. Upstream of the dam & bridge were 3 squared timber piers filled with rocks with a chain strung between them to act as a log boom.

At the end of the 19th century, with the iron mines opening in the West and the lumbering industry waning, the reasons for maintaining the Wilmington dam began to change. Local hoteliers began to advertise boats on the river pond behind the dam, a glimpse of the approaching transition to the tourism industry. And in the early 20th century, a new purpose for the dam - that of creating electricity – was advanced. But by the mid-20s, electric power



Rustic Cabin near Wilmington Notch (NYS Archives)

generation began flowing to Wilmington via the power plant at Ausable Chasm, and the era of electric power generation by Wilmington's dam was ended.

In March of 1936, huge cakes of ice floated down the swollen West Branch and without warning, took out the wooden dam at Wilmington. The exposed marshy expanses along the river infused the Townspeople's camps along the river with abundant mosquitoes and the water was too low to permit residents and visitors to

practice their accustomed recreational habits. In 1937 the Town rebuilt the dam and updated it again in 2003.

Current historical sites are documented by the Wilmington Historical Society (see Map 9a and 9b) (<http://www.wilmingtonhistoricalsociety.org/>) and the Essex County Historical Society (<http://adkhistorycenter.org/index.html>).

In 1982, the Town prepared a proposal to the New York State Office of Parks, Recreation and Historic Preservation for the establishment of an historic district in the hamlet of Wilmington. The proposal gives an historic overview of the town and establishes the significance of the proposed historic district in relation to development, decline and potential renaissance of the community. An element of the proposal included a detailed Historic Resources Survey of the Town of Wilmington, completed in 1980 and sponsored by the Essex County Historical Society. The proposed historic district contains thirty-six structures, sixteen of which are dated before 1900. There are some 'archeological sites' of structures no longer in existence, although their general locations are known and within the waterfront boundary. These include the iron forge, the charcoal kilns, the potash factory, sawmills, and the grist mill.

Cultural resources in Wilmington include cottage industries such as a chocolate factory, an artisanal craft cooperative, the Adirondack Christian Day School (associated with the Baptist Church), the E.M. Cooper Library, and the first Waldorf School in the County. Wilmington's history is also closely linked with the surrounding Towns, especially North Elba and the Village of Lake Placid.

Scenic Resources

The waterfront area is stunningly beautiful. It is the scenic quality of the Adirondack Mountains, the West Branch of the Ausable River, and the Adirondack-Style Hamlet that define Wilmington. These scenic resources are a significant draw for tourism and complement the many recreational opportunities that Wilmington has to offer. Protecting aesthetic and scenic values associated with the waterfront and any areas designated as scenic areas of statewide significance are essential.

According to the Wilmington Wild Forest Unit Management Plan, scenic vistas include:

- State Highway 86, between Lake Placid and Wilmington, a state-designated Scenic-Byway
- Whiteface Mountain and its surrounding area
- Lake Everest and the beach area
- The Wilmington Dam
- The Historic Bridge
- The Flume
- Designated Trails
- Designated Fishing Areas
- Whiteface Mountain Ski Area, Tollbooth, Tower and Trails
- KOA Campground Overlook
- High Falls Gorge
- The Notch – Falcon Area

- Open farmlands along lower West Branch and Haselton Road
- Cooper Kiln Trail Views
- Heritage Park

Preventing impairment of scenic components that contribute to high scenic quality is of crucial importance to Wilmington.

Section III. Waterfront Revitalization Policies

Policy 1

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

The Town of Wilmington is dominated by undeveloped State lands, private residential and forest land holdings. The community core is a residential and commercial area concentrated in and around the hamlet, as described in part A of the Inventory and Analysis.

This policy is intended to foster a development pattern that provides for the beneficial use of waterfront area resources for all Wilmington's residents, respects their rights, and supports its ongoing attractiveness to visitors. Protecting, enhancing and building the character of stable residential neighborhoods is important. The primary components of the desired development pattern are to preserve and enhance the natural beauty and open space of the waterfront area, encourage increased contact with the water through improved public access to water features and strengthen the economic viability of the town by focusing activities around the waterfront. It aims to ensure that local, state and federal review of major actions proposed for Lake Everest and the West Branch of the Ausable River waterfront areas take into account the economic, social and environmental interests of Town residents. The policy standards listed below provide guidelines for ensuring appropriate waterfront development in the LWRP project area. Prior to listing the policy standards, two key terms should be defined. These are as follows:

1. Water-dependent uses – Defined by the State of New York Executive Law § 911 as *activities that require a location in, on, over or adjacent to a water body because such activity requires direct access to that water body, and which involves as an integral part of such activity the use of the water.*
2. Water-enhanced uses – Defined as *activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial or retail nature.*

Sub policies and policy standards relating to Policy 1 include the following:

1.1 Concentrate development and redevelopment to revitalize and strengthen the waterfront/hamlet center area

- Encourage development that further defines and enhances the character of the hamlet center, and carries out the goals of this LWRP.

- Hamlet center development and redevelopment should incorporate pedestrian access in order to foster a distinct “Main Street” atmosphere and promote the hamlet center as a service and retail destination.
- Strengthen the economic viability of the hamlet center.
- Provide support and/or incentives to existing businesses and residences to help them realize development opportunities that enhance their waterfront location.
- Focus public investment and assistance in waterfront redevelopment areas such as the Town Beach, Four Corners, Historic Bridge area, Intersection of Rte. 86 and Springfield Road, Town Hall/Youth Center/Northern Lights property, and other public spaces.
- Locate new development where infrastructure is adequate or can be upgraded to support appropriate development.

1.2. Ensure that waterfront developments and land uses take full advantage of their unique waterfront location

- Protect existing water-dependent uses and encourage water-dependent and water-enhanced uses that benefit the greater public good.
- Encourage water-enhanced uses where they are compatible with surrounding development, and where they do not displace or interfere with water-dependent uses or threaten the ecological viability of the riverine system.
- Encourage private development projects to include public access provisions and/or public ownership through site design, easements, or other means.

1.3 Protect stable residential areas in and around the hamlet area

- Preserve the existing housing stock throughout the Town and especially within the hamlet center.
- Take advantage of energy efficiency technologies, sustainable design approaches, and grant support to improve design of new buildings and rehabilitation of existing housing stock.

1.4 Maintain and enhance natural areas, recreation, open space, and agricultural lands.

- Avoid loss of economic, environmental, and aesthetic values associated with the open space, recreation, and natural areas described in parts A-G of Section II: Inventory and Analysis.
- Avoid expansion of infrastructure and services which would promote conversion of these areas to other uses.
- Maintain natural, recreational, and open space values including those associated with large estates, golf courses, and beach clubs.

1.5 Minimize adverse impacts of new development and redevelopment

- Enforce all local regulations including zoning, stormwater, erosion controls, etc.
- Locate future development where public infrastructure capacity exists, where existing facilities can adequately handle the development, or where private facilities could be developed in such a

way that community character, environmental quality, open space and natural resources are preserved and water-dependant uses are not displaced.

Policy 2

Preserve historic resources of the waterfront area

Archaeological sites and historic structures are tangible links to the past development of the community, both its cultural and economic life, providing a connection to past generations and events. The intent of this policy is to preserve the historical and archaeological resources of the waterfront area. Concern extends not only to the specific site or resource but to the area adjacent to and around specific resources. The quality of these areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must also include active efforts, when appropriate, to restore or revitalize those resources.

Wilmington's history is closely tied to the Ausable River and the natural and water resources in and around the community. The Lake Everest Dam, the locations of former mills and factories in the hamlet area, and various other sites throughout Wilmington all speak of the culture and history of the Town. A more detailed account of Wilmington's historic resources can be found in part K of the Inventory and Analysis.

2.1. Maximize preservation and retention of historic resources

- Relocate historic structures only when the resources cannot be preserved in their original location, and allow demolition of historic structures only where alternatives for retention are not feasible.
- Where archeological resources are located, minimize potential adverse impacts by redesigning projects and reducing direct impacts on the resource where feasible, as well as recovering artifacts prior to construction and thoroughly documenting the site.
- Maintain the aesthetics of the historic Lake Everest dam.
- Protect the structural and historic integrity of the bridge over the Ausable River in the center of the hamlet.

Policy 3

Enhance visual quality and protect scenic resources throughout the waterfront area

The scenic qualities of the waterfront are significant and contribute greatly to the area's beauty and character. The preservation of the aesthetic, historic, and scenic character of the Town is important to the area's attraction as a waterfront area and a heritage area. Maintaining, protecting and enhancing the areas identified in the inventory such as the NYS Rt. 86 corridor and Whiteface Mountain is of utmost importance, not only for the public's appreciation and enjoyment, but for the preservation of wildlife and aquatic environments.

The intent of this policy is to protect and enhance visual quality and protect recognized scenic resources of the waterfront area.

3.1. Protect and improve visual quality throughout the waterfront area

- Prohibit the introduction of features that are discordant with the scenic elements of the Town.
- Preserve and enhance all scenic vistas and water-dependent areas such as High Falls Gorge, The Flume and Lake Everest.
- Enforce the Property Maintenance Code to assist in upgrading roadside views and scenic areas. This Code addresses the requirement to remove unused household items from sight.
- Restore deteriorated and remove degraded visual elements, and screen activities and views which detract from visual quality.
- Use design guidelines to ensure that new structures are built with the proper scale, siting, forms, colors and materials, and that they are compatible with and add interest to the existing scenic elements. Consider Adirondack style architecture where applicable.

3.2. Protect aesthetic values associated with recognized areas of high scenic quality

Critical areas to protect include:

- Lake Everest and the beach area
- The Wilmington Dam
- The Historic Bridge
- The Flume
- Designated Trails
- Designated Fishing Areas
- Whiteface Mountain Ski Area, Tollbooth, Tower and Trails
- KOA Campground Overlook (to North)
- High Falls Gorge
- The Notch – Peregrine Falcon Area
- Open farmlands along lower West Branch and Haselton Road
- Cooper Kiln Trail Views
- Heritage Park

Policy 4

Minimize loss of life, structure, and natural resources from flooding and erosion.

Almost all of the waterfront areas within a thousand feet of the Ausable River are located within or near a 100 year floodplain and many have experienced flooding in the past. The Town of Wilmington participates in the National Flood Insurance Program (NFIP) and has local laws covering flood damage prevention. These laws are designed to prevent future property damage within the flood hazard area. The Town needs to identify ways to address building that were sited within the flood hazard area before

these laws were established. In addition, the Town has not created a storm water management plan, although it intends to do so.

Erosion continues to be a significant problem along the banks of the West Branch, upstream from North Elba and downstream to Black Brook and beyond, and on the shoreline of Lake Everest. Part D of the Inventory and Analysis contains a detailed discussion of the current issues in Wilmington related to flooding, erosion, and stormwater management. Sub-policies and policy standards related to Policy 4 include the following:

4.1. Minimize loss of human life and structures from flooding and erosion hazards

- Avoid development, other than environmentally safe water-dependent uses, in flood hazard areas and re-locate development and structures away from areas of known flooding hazards as much as possible.
- Use “hard” structural erosion protection measures such as retaining walls only where natural measures are not sufficient to protect the principal use, or where the use is a necessary, environmentally friendly water-dependent use or reinforces the waterfront redevelopment area.
- Manage development in floodplains to avoid adverse environmental effects, to minimize the need for structural flood protection measures, and to meet Federal flood insurance program standards.

4.2. Preserve and restore natural protective features

- Every effort should be made to enhance existing natural protective features such as rocks, bushes, trees, and other native vegetation by the use of non-structural measures that are appropriate to manage erosion problems.
- Minimize digging along erosion prone roadsides, including guidelines to re-seed and mulch roadside ditches immediately after digging and minimize mowing along erosion-prone roadsides. Use only native species.

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

- Every effort should be made to protect the loss of public lands threatened by flooding and erosion using the proactive techniques and standards described above.
- Mitigate unavoidable impacts on adjacent property, natural watershed processes and natural resources, and on public lands and their use.

4.4 Ensure that That Expenditure of Public Funds for Flooding and Erosion Control Projects Results in a Public Benefit

- Give priority in expenditure of public funds to actions that protect public health and safety, mitigate flooding and erosion problems caused by previous human intervention, protect areas

of intensive development, and protect substantial public investment in land, infrastructure, and facilities.

- Expenditure of public funds should be limited to those circumstances where public benefits exceed public cost and prohibited for the exclusive purpose of protecting private development, except where actions are undertaken by an erosion protection district.
- Ensure that private flood insurance liabilities do not impinge on public resources by requiring full coverage of private property and landowners' full commitment to restoring any damage to areas in a timely way that is sensitive to the aesthetic, environmental and economic guidance of this LWRP.

Policy 5

Protect and improve water quality and supply

The purpose of this policy is to protect the quality and quantity of water in the waterfront area. Quality considerations include both point source and nonpoint source pollution management. Wilmington is particularly affected by nonpoint source pollution in the form of bacterial contamination, sediment loading, and road runoff. Nonpoint-source pollution includes run-off from impervious surfaces such as roads and other generalized areas including farms, fields, and sloped waterfront areas, where systems and individuals contribute to the problem by performing everyday activities. Though this type of pollution can be difficult to regulate, Wilmington can use many of the policies listed below to improve their efforts toward improving water quality and reducing pollution of water quality of the Town and region. Consideration must be given to providing and maintaining an adequate supply of safe drinking, recreational, and natural habitat water resources in the region.

In recent decades, water activities have decreased at the Town Beach as sediment has begun to infill the impoundment on the West Branch of the Ausable River. The traditional water sports have been curtailed and the health of the trout-friendly ecosystem is threatened. These are issues of great concern to local residents, because much of the quality of life and economy depends on the waterfront and surrounding mountains.

Water quality protection and improvement in the region must be accomplished by the combination of managing new and remediating existing sources of pollution. In some areas with existing water quality impairments, more aggressive remediation measures will be needed. Wilmington is working with surrounding municipalities and agencies as part of the Ausable River watershed management plan to improve water quality.

5.1. Prohibit direct or indirect discharges causing or contributing to contravention of water quality standards

- Ensure effective treatment of sanitary sewage and industrial discharges by:
 - Maintaining efficient operation of treatment facilities
 - planning for new municipal sewer infrastructure and remediation of substandard septic systems

- incorporating treatment beyond secondary for new municipal or community wastewater treatment facilities
- reducing demand on facilities
- reducing loading of toxic materials
- managing on-site disposal systems, including upstream
- Minimize disturbance of streams, including their beds and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.
- Supporting programs to remediate existing substandard individual wastewater disposal systems.

5.2 Manage land use activities and use best management practices to minimize nonpoint-source pollution of waterfront areas

- Keep informed about current best practices for road de-icing, sediment control, and storm water management.
- Maintain a working relationship with highway departments at local, county and state levels, as well as with ORDA, for exploration and discussion of new options that can be implemented to control sources of nonpoint source pollution.
- Reduce pollutant loads to water sources by managing unavoidable nonpoint sources of pollution and using appropriate best management practices, as defined by federal nonpoint source control programs such as the clean water act and coast nonpoint pollution program.
- Prohibit direct and indirect charges of refuse into water and remove and dispose of litter from surface waters and riverbanks.

5.3. Limit the potential for adverse impacts of watershed development on water quality and quantity

- Protect water quality in the watershed from adverse impacts associated with excavation, fill, dredging, and disposal of dredged material.
- Use Site Plan Review and Stormwater Management Regulations to protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural drainage systems, and protects areas that are particularly susceptible to erosion and sediment loss.

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

Red Brook and White Brook are the sources of Wilmington’s water supply. This policy aims specifically to protect that water as drinking water and all factors that affect its quality.

- Prevent contamination of potable waters by eliminating the discharges of pollutants and limiting land uses that are likely to reduce surface and groundwater quality classifications for potable water supplies.
- Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

- Seek opportunities to require improvements in future septic system and/or sewer system creation.

Policy 6

Identify, protect and restore the quality and function of the ecosystem

Wilmington's protected natural resources include wetlands, fish habitat, mountain slopes and those rare, threatened, or endangered species noted in Section II. Significant fish habitats exist in the West Branch of the Ausable and Lake Everest. The West Branch supports an important trout fishery which provides significant economic activity in the area.

The ecosystem consists of physical (non-living) components, biological (living) components, and their interactions. Its physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include the plants, animals, and other living things in and around the shore. Certain natural resources that are important for their contribution to the quality and biological diversity of the ecosystem have been specifically identified by the State for protection. These natural resources include:

- Regulated freshwater wetlands
- Designated Significant Fish and Wildlife Habitats
- Rare, threatened, and endangered species

In addition to specifically identified natural resources, the quality of the ecosystem also depends on more common, broadly distributed natural resources such as the extent of forest cover, the population of over-wintering songbirds, and benthic (underwater) communities. These more common natural resources collectively affect the quality and biological diversity of the ecosystem. Examples in Wilmington include large tracts of forested lands, forested hillsides, a variety of bird habitats, native brown trout and other fish species, and other plants and animals including deer, beaver, otter, and snapping turtles.

This policy recognizes and provides for enhancement of natural resources within regionally important natural areas for which management plans have already been prepared.

6.1. Limit the impact of new development on ecological quality

- Use the SEQR process for non-Adirondack Park Agency projects in order to mitigate impacts of new development and reduce or eliminate adverse impacts associated with existing development.
- Ensure that all Town regulations relating to land development remain up to date and contain the language necessary to protect ecological resources from negative development impacts.

6.2 Identify, protect and restore significant fish and wildlife habitats

- Keep the river banks vegetated in order to retain the branches hanging over the river that provide crucial shade for native trout populations.
- Avoid altering the river bottom and ensure proper maintenance of the gravel beds.
- Ensure that all projects along the waterfront, and especially projects involving waterfront access, are developed and timed to ensure the protection of fish and wildlife resources.
- Protect designated significant fish and wildlife habitats from uses or activities that would destroy habitat values or significantly impair the viability of the designated habitat beyond its tolerance range.
- Prior to the start of any project within the study area, a request for updated location information should be made to the New York Natural Heritage Program via the SEQR process. The presence of rare species may require special review, permits, or permits conditions for projects proposed within this region.

6.3. Protect and restore freshwater wetlands

- Restore freshwater wetlands wherever practical to foster their continued existence as natural systems and provide for achievement of a net increase in wetlands when practical opportunities exist to create new or restore wetlands.
- Prevent the net loss of vegetated wetlands by avoiding fill or excavation, and minimize adverse impacts resulting from unavoidable fill, excavation, or other activities. Provide for compensatory mitigation for unavoidable adverse impacts.
- Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values.

6.4. Protect natural resources and associated values in identified regionally important natural areas

- Protect natural resources comprising a regionally important natural area. Focus State actions on protection, restoration, and management of natural resources.
- Protect and enhance activities associated with sustainable human use or appreciation of natural resources.
- Adhere to management plans prepared for regionally important natural areas such as those listed in Section II C.

Policy 7

Protect and improve air quality in the waterfront area

While air quality in Wilmington has been rated very highly, there are still issues relating to acid precipitation that are shared with all areas of the Adirondack Park. This policy provides for protection of the waterfront area from air pollution generated within or from outside the waterfront area that adversely affects air quality.

7.1. Control or abate existing and prevent new air pollution

- Limit pollution resulting from new or existing stationary air contamination sources consistent with applicable standards, plans, and requirements. Request that sources from outside the Town also limit pollution that affects the Town.
- Encourage official fleets and private vehicles to achieve maximum efficiency and put out minimal emissions.
- Support acid rain analysis conducted by the Whiteface Mountain Field Station of the Atmospheric Sciences Research Center.

Policy 8

Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and waste

The intent of this policy is to protect people from sources of contamination and to protect waterfront resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites to permit redevelopment. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination.

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

- Plan for proper and effective solid waste disposal, prior to undertaking major developments or activities generating solid wastes. Manage solid waste by reducing the amount of solid waste generated, reusing or recycling material, and using land burial or other approved methods to dispose of solid waste that is not otherwise being reused or recycled
- Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.
- Site solid waste facilities to avoid potential degradation of waterfront resources.

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

- Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical and use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled.
- Remediate inactive hazardous waste disposal sites.
- Site hazardous waste facilities to avoid potential degradation of waterfront resources

8.3. Protect the environment from degradation from toxic pollutants and substances hazardous to the environment and public health

- Prevent release of toxic pollutants or substances hazardous to the environment that would have a harmful effect on fish and wildlife resources, taking appropriate action to correct all unauthorized releases of substances hazardous to the environment.

- Protect public health, public and private property, and fish and wildlife from unnecessary and inappropriate use of pesticides.

Policy 9

Provide for public access to, and recreational use of, waterfront waters and public lands in the waterfront area

Improving public access and recreational use of public resources in the waterfront area is of high importance to the residents and visitors of Wilmington. Access is limited in the Lake Everest area and the Town Beach for fishing and boating. Public access along the Ausable River for recreational and scenic viewing purposes exists in various places, but additional access would be beneficial to tourists and the local community. The Inventory and Analysis, particularly part D, contains a detailed discussion of recreational activities along the waterfront and the existing public access to the Ausable River. Wherever possible, this policy supports increasing and improving public access to waterfront natural resources in ways that avoid damaging resources and provide for safe access.

9.1. Promote appropriate and well-defined public access to recreation opportunities throughout the waterfront area

- Existing public access easements should be enforced, and additional public access to the waterfront should be obtained.
- Provide incentives for private development that allows public access and /or water-related recreation facilities such as setting aside land for a trail easement to gain river access.
- Continually seek opportunities to create additional access points, watercraft launches, and public amenities that will increase and enhance the usage and quality of the waterfront.
- Provide handicap access to all public facilities where feasible.

9.2. Preserve the public interest in and use of lands and waters held in public trust by the state and other entities

- Limit grants, easements, permits, or lesser interests in lands underwater to those instances where they are consistent with the public interest in the use of public trust lands.
- Determine ownership, riverside interest, or other legal right prior to approving private use of public trust lands under water.
- Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways that will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

9.3. Assure public access to public trust lands and navigable waters

- Ensure that the public interest in access below mean high water and to navigable waters is maintained.
- Use the following factors in determining the minimum access necessary: the range of riverine fluctuation, the size and nature of the water body, the uses of the adjacent waters by the public,

the traditional means of access used by surrounding similar uses, and whether alternative means to gain access are available.

Policy 10

Protect water-dependent uses in suitable locations

Water-related recreation activities are a main attraction for residents and visitors of Wilmington. During the spring, summer and fall, water-dependent uses in Lake Everest center around fishing, paddling, bird watching, swimming and small motor boats [motors should be 10 horsepower or less, with speeds 5 mph or lower at beach and 10-15 elsewhere]. Winter activities consist of snowshoeing, cross-country skiing, skating, and snowmobiling in the lake area. A more complete description of the water-dependent uses most common in Wilmington can be found in the Inventory, Section 2 D: Water Resources, Quality, and Management. Great care must be taken to maintain all of these sports and water uses, as they support strong tourism and provide recreation for the citizens of Wilmington and the surrounding towns.

The intent of this policy is to protect, enhance and expand the uses described above where feasible. The policy discourages any actions that would displace, adversely affect, or interfere with the existing water-dependent uses or the rights of the people living on the waterway.

10.1. Protect existing water-dependent uses

- Enhance and protect canoe and kayaking launches that may be used by fishermen, paddlers, and nature lovers alike.

10.2. Promote new water-dependent uses

- Allow new water-dependent uses on Lake Everest through land-use and zoning codes compatible with the surrounding environment, emphasizing the quiet nature of the lake's character. This includes, but is not limited to, beach improvements, recreational uses, picnic facilities, and a point of access for car-top boats.
- Promote all types of business related to the enjoyment of the waterway including bird watching, paddle tours, guiding, and all previously-mentioned water activities, keeping in mind all zoning regulations.

10.3. Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses, particularly water-enhanced and support services.

10.4. Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.

- Site new and expand existing boating facilities where there is: adequate upland for support facilities and services; sufficient waterside and landside access; appropriate nearshore depth to

minimize dredging; suitable water quality classification; minimization of effects on wetlands or fish spawning grounds; and adequate water circulation.

- Maintain regionally important water-dependent uses and facilities.

10.5. Provide sufficient infrastructure for water-dependent uses.

- Protect and maintain existing public and private channels at depths consistent with the needs of water-dependent uses, especially in the Lake Everest area.
- Use suitable dredged material for beach nourishment, dune reconstruction, or other beneficial uses.
- Avoid placement of dredged material in waterbodies when opportunities for beneficial reuse of the material exist.
- Avoid shore and water surface uses which would impede navigation.

Policy 11

Promote sustainable use of fish and wildlife resources

The Ausable River is identified by fisheries biologists as one of the best trout fisheries in New York State and is known for its abundant Brook and Brown Trout. Fishing, hiking and nature watching along the waterways are important activities in Wilmington to residents and visitors alike. The future success of our community depends on maintaining and restoring these natural resources for future generations. See part H of the Inventory and Analysis for more details on ecotourism, bird watching and other recreational activities that should be supported and encouraged in the Waterfront Revitalization Area.

11.1. Ensure long-term health and maintenance of fish and wildlife resources

- Protect and restore fish and wildlife habitats wherever possible.
- Consider the location of existing fish and wildlife and protect them according to DEC regulations to avoid exploitation.
- Participate in DEC and other organizational education and management efforts to avoid introducing aquatic nuisance species.

Policy 12

Protect agricultural lands

There are a select few areas of Wilmington that have soils and conditions suitable for farming. Due to the changing nature of the economy and food system, and the growing desirability of locally produced agricultural products, the land most appropriate for agricultural activities should be kept open for further initiatives in sustainable farming, in the event that it becomes desirable or necessary to the community in the future.

Agricultural activities can have an adverse impact on the environment, and especially water quality, if not conducted and monitored properly. The Town should coordinate with neighboring communities to

ensure that agricultural activities do not have an adverse impact on the water quality of the Ausable River and its tributaries.

Policy 13

Promote appropriate use and development of energy and mineral resources

The Town of Wilmington recognizes the trends in climate change and the need to operate sustainably. In dealing with energy issues, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design, and efficiency in energy generation are the best means for reducing energy demands. Reduced demand for energy reduces the need for construction of new facilities that may have adverse impacts on waterfront resources.

In addition to the impacts of construction of new energy generating facilities, the potential impacts of oil and gas extraction and storage and mineral extraction must be considered. In particular are the potential adverse impacts of mining activities on aquifers.

Wilmington has already adopted an Energy-smart Community Resolution (see text below) to encourage energy efficiency in the Town. This should be followed up with incentives to businesses, official structures/vehicles, and private residences to implement efficiency measures.

13.1. Conserve energy resources.

- Promote and maintain energy efficient building design and modes of transportation, including passenger transportation, mass transit, and alternative forms of transportation.
- Improve energy generating efficiency through design upgrades of existing facilities.
- Support Wilmington's participation in the Energy Smart Community Program, sponsored by NYSERDA.

13.2. Promote alternative energy sources that are self-sustaining including hydro, solar and wind powered energy generation

- Explore the possibility of generating hydropower at the dam.
- Promote the use of alternative forms of energy by businesses, residences, and public facilities.
- Proactively manage the potential for siting wind power generating facilities in various parts of the community, taking into account environmental impacts and aesthetic quality.

13.3. Ensure maximum efficiency and minimum adverse environmental impact when siting energy generating facilities

- Site energy generating facilities in a waterfront location only where a clear public benefit is established.
- Site energy generating facilities close to load centers to achieve maximum transmission efficiency.

- Site and construct new energy generating and transmission facilities so they do not adversely affect natural and economic waterfront resources, including migratory birds.

13.4. Minimize adverse impacts associated with mineral extraction.

- Prohibit commercial sand and aggregate mining, as they are generally presumed to be inappropriate uses in a waterfront area.
- Preserve topsoil and overburden using appropriate site preparation techniques and subsequent site reclamation plans.
- Ensure that sludge from dredging is disposed of in safe and legal manner.

Section IV. Proposed Projects

The Wilmington Local Waterfront Revitalization Program (LWRP) Citizens' Committee has prioritized the following projects to implement the community's vision. These projects are derived from the process of completing a Waterfront Inventory and Analysis and Policy Development. They also draw on existing plans, such as the 2001 Community Revitalization Plan and the 2003 Olympic Scenic Byway Corridor Management Plan, the priorities of which will be maintained and considered throughout the LWRP project implementation process.

More importantly the projects described below reflect the stated interests and input of the local community gathered through public meetings, workshops, letters, and surveys. The committee solicited this information, gathered the inventory information contained in Section II, identified the key needs and issues, and developed the following list of recommended actions. The list is far-reaching and the scope for implementation covers a long time-frame.

The categories of projects fall into three main groups identified early on through public comments: Water Quality Protection and Restoration, Public Access to Waterfront Resources, and Hamlet / Town Revitalization. Each of these sections is broken down into three subcategories: Studies and Planning, Town Actions, and Physical Improvements.

A combination of the following criteria was used to identify project ideas, in order of importance:

- Local Perception of Need
- Cost and Potential Source of Funding
- Level of Difficulty

The intent of these projects is to realize the vision for Wilmington's future as described in Section I. Many of these projects are necessary to achieve the goal of revitalizing the Town and hamlet and becoming an all-season outdoor recreation center. This list is not exhaustive, and all future Town projects should strive to implement the goals of this LWRP. A number of the projects listed below identify an estimated cost for implementation. This number is an estimate, based on 2007 pricing, and should not be interpreted as a fixed cost or a budget line amount, but rather a general estimate of potential project costs.

Water Quality Protection and Restoration

Wilmington relies heavily on the quality of its water and the beauty and functionality of its waterfront areas. Implementation of the projects listed below will ensure the protection and enhancement of the water and waterfront areas of the Town.

Studies and Planning

1. A Watershed Management Plan for the Ausable River is currently underway in conjunction with neighboring communities. Developing a watershed plan is a good technique to assess local water quality conditions and address local land use regulations and practices, which can be used to ensure and/or provide additional water quality protection. (A proposal was submitted in coordination with Ausable River Association to NYS DOS LWRP program year 2005-2006 and granted \$20,000 for work throughout the watershed in Essex and Clinton Counties on 9/6/06, and another grant was awarded by the DOS in 07-08 for completion.)
2. Conduct a Dredging Feasibility Study for Lake Everest in order to explore the options for restoring the Lake for recreational uses. (A proposal was submitted to NYS DOS LWRP program 5/30/06 and granted \$40,000 on 10/30/06 to begin the Feasibility Study, which is currently underway).
3. Conduct a Sedimentation Study / Stream Channel Stability Analysis to identify event-based and chronic sources of sedimentation and options for controlling sediment loading into Lake Everest over the long-term. Include highway depts. (Town, County and State) in the study process to look at solutions including regularly scheduled catchment basin cleaning, increased number of basins and traps, increased sizing as appropriate, minimal ditching and other vegetation removal, improved mulching / gravel cover on shoulders of sloping roads, etc. Estimated cost: \$25,000
4. Study and map the various wildlife habitats within Wilmington using a methodology established by Hudsonia, a non-profit group in the Hudson River Valley, in order to raise awareness of the unique wildlife resources within the boundary.
5. Consider adopting a Flood Damage Prevention Law. This law would require permits for new construction and improvements to existing structures, as well as other projects involving excavation, filling, grading, etc. within flood hazard areas identified by the Federal Emergency Management Agency. With such a law in place, property owners would be eligible for purchase of subsidized flood damage insurance that would not otherwise be available.

Town Actions

1. Evaluate options for local wetlands protection mechanisms to recognize the value wetlands provide to Wilmington in terms of sediment control, water quality/filtration, habitat, flood control, and recreation.
2. Investigate potential intermunicipal sediment control procedures, and ways to coordinate with Town/County/State Highway departments, Lake Placid and North Elba, Whiteface Mountain and ORDA to achieve zero additional sedimentation into Lake Everest.
3. Provide planning / zoning board training as needed to raise awareness of sediment problems and solutions. Estimated cost: \$500-\$1,500 workshop attendance.
4. Purchase a hydro-seeder jointly with Essex County to move from manual reseeding (after ditching and other disturbance activities) to mechanized seeding. Estimated cost: \$20,000

5. Improve general water quality by working with North Elba and Lake Placid, and other nearby municipalities, through a memorandum of understanding and/or specific projects. (This project is underway as a part of the Watershed Plan mentioned in 1.1.1)
6. Raise local awareness of water quality issues by regularly publishing water quality statistics and results of testing at the beach and in Town Hall and establishing a drainage project using “What you Dump here goes in our Lake/River” signs and stickers.
7. Identify potentially problematic septic systems and establish a framework for assisting homeowners with making improvements, scheduling regular and rigorous testing, and raising funds to upgrade or move failing systems as needed. Consider establishing a volunteer septic system replacement program where the Town gets a grant to provide 50% of the replacement costs. Take advantage of the new Water Pollution Control Linked Deposit Program, a low-interest loan program for upgrading of septic systems available from New York State.
8. Reduce dumping and litter by requesting DEC / DOT support and creation of regular schedules for clean up and enforcement of trash dumping at the Flume and on Lenny Preston road, and other sites as necessary. Advertise Town littering fine of \$1000 with prominent signs and conduct a public education campaign of “Pack in – Pack out” requirement, combined with enforcement crackdown.

Physical Improvements

1. Install additional stormwater treatment facilities at the bridge to Whiteface Mountain in order to control runoff from parking areas into the Ausable River. Estimated cost: \$50,000
2. Note: NYS DOS awarded a FY 2007-2008 EPF LWRP grant in the amount of \$50,000 for the installation of stormwater enhancements at Whiteface Mountain. That project is currently underway.
3. Consider installing additional catchment basins and conducting regular basin cleaning in and around Wilmington. Estimated cost: \$10,000 for four catch basins, with use of existing Highway Department labor for cleaning.
4. Repair dam, gates and racks to empower the Town to effectively control water level in the Ausable River. Estimated cost: Highly variable depending on the condition of the dam.
5. Continue fish stocking while searching for ways to avoid impacts on the native trout population. Estimated cost: \$1,000, donations, agreements with associations, DEC covers costs of stocking; Town requests DEC and ASRA/TU assistance to conduct studies.

Public Access to Waterfront Resources

An important component of creating and maintaining a year-round outdoor recreation center is to ensure that sufficient public access to waterfront and recreation resources is established and maintained. The projects listed in this section are meant to carry out Wilmington’s goal of preserving and enhancing its waterfront and the access points that allow the public to enjoy the unique resources that the Town has to offer.

Studies and Planning

- Prepare a Park Master Plan that protects existing park lands and provides additional public recreational opportunities along Lake Everest and the West Branch of the Ausable River. Identify potential uses of Town land adjoining the beach, such as establishment of interpretive trails, gardens, a tennis court and tether ball area at beach, and landscaping for the picnic area. (A proposal was submitted to NYS DOS LWRP program 5/30/06 and granted \$40,000 on 10/30/06 to prepare a Master Plan for the Town Park. This project is currently being completed as a component of a development project for the park area, with the developer's cost being used as the local match for the grant.)

Town Action

1. Work with the State to increase enforcement of existing public access provisions through cooperation with landowners and the Town (including two existing DEC fishing easements currently not clearly signed or maintained in the vicinity of Lenny Preston and Bonnie View Roads). Other State actions to pursue could include acquiring additional conservation easements, protecting riparian habitats, and where appropriate, acquiring additions to forest preserve specifically to secure improved public access to the river and fishing resources.
2. Identify vacant and/or underutilized properties that could provide future public access, and protect and maintain existing public access points.
3. Owners of property directly abutting the historic bridge or other key downtown sites, and with good views from within the Boundary, should be approached by the Town to consider additional public access arrangements.
4. Request DEC review of all public fishing access sites in Wilmington, with the goal of improving access, signage, trail maintenance, and easement agreements in collaboration with landowners. The sites should eventually be mapped and made available in a directory for local and visitor use.
5. Ensure that parking and sanitary facilities at waterfront properties are well-maintained and accessible.

Physical Improvements

1. Improve and extend the sidewalk system in town center. Priority areas include: from Bonnie View Terrace to corner of 86, from Springfield to Fox Farm, and along Haselton to the end of the houses.
2. Improve the fishing access on Springfield Road to accommodate a wildlife observation point / bird preserve, with a handicapped accessible board walk, in cooperation with land owners. Use this area to train youth and visitors in fishing, birding, and other outdoor recreation sports (apply for Reiss Family Grant). Estimated cost: \$25,000 - \$50,000.
3. Establish a network of safe bike paths and/or extensions of paved road shoulders around Town. Provide bicycle parking in and around Town, especially at the beach and the library.
4. Construct a hiking trail over the existing fishing trail on the West side of the river below the dam.

5. Create a waterfront brochure / trail map to describe the planning process, projects, trails, opportunities to volunteer / contribute. Keep brochure updated in order to orient people to the waterfront area and the waterfront access points. Estimated cost: \$8,500 (inc. printing).
6. Install better signage at the gravel parking lot by Heritage Park in order to identify the scenic view of the river and mountains. Estimated cost: \$1,000 - \$5,000.
7. Create a scenic pull-over area by Paleface that offers a view of the valley and mountains. Estimated cost: \$5,000 - \$25,000.
8. Widen the small boat launch at the beach to improve access for all, especially fire department water pumping vehicles. Estimated cost: \$15,000.
9. Establish canoe / kayak launches on the point of the beach and by the bridge. The Town could consider acquiring an easement for public access at the private property occupying the southeast corner of the bridge (now AS Sport Shop). Estimated cost: \$1,000.
10. Make improvements to Flume area, including enhancing the nature walkways on both sides of the Flume, improving the parking area by the Flume bridge, and installing a protected walkway along the bridge for viewing of the Flume. Estimated cost: \$210,000 (inc. design, contingency).
11. Install pay phones at beach and at the bridge park for safety and convenience.
12. Expand playground options to provide access for children under age 4, including slides and swings. Estimated cost: \$25,000

Hamlet / Town Revitalization

In order to succeed as a viable community and a regional outdoor recreation destination, the hamlet of Wilmington must be a vibrant and welcoming place for residents and visitors alike. This effort includes provision of public and pedestrian amenities, striving for continued economic development and improving the aesthetics and character of the community. The projects listed below will help Wilmington achieve the revitalization efforts necessary to create an attractive and functional downtown center.

Studies and Planning

1. Conduct a Marketing Plan to improve business and economic development efforts in Wilmington. Seek opportunities to extend the season for businesses and focus away from tourism to more long-term dependable high paying jobs. Work with Visitors' Bureaus, Chambers of Commerce, and other agencies to plan and implement business development in Wilmington's Town Center. Estimated cost: \$10,000.
2. Conduct a Town-wide Trail and Bicycle Connectivity Plan in order to promote safe bike ways along Town, County and State highways and to connect residential areas with the town center.
3. Identify and protect cultural heritage and resources by preparing a Historic Preservation Plan and updating the inventory of historic resources. In coordination with Wilmington Historical Society, review existing 1982 historic district inventory, update and expand list to include entire Town, and map the sites.

4. Seek opportunities to develop a community center that provides a gathering place for the community and enhances understanding of Wilmington’s history and natural resources, especially as it relates to the waterfront.

Town Action

1. Explore options for improving the availability of community gathering space. Seek community center space to include mini-museum of natural heritage and historical information, community involvement programs, local meeting spaces, and other uses.
2. Consider amending Town policies to request public, pedestrian, and bicycle access, paved shoulders, and/or pathways in all new developments and upgrades of existing developments. Create opportunities to upgrade existing roadways to include such access.
3. Provide community and worker housing within the hamlet center and water district by seeking opportunities to develop a variety of housing types to meet the needs of people at various stages of the life cycle, various income and age levels, and household composition. Explore and expand opportunities for creating workforce housing in cooperation with community trusts, Habitat for Humanity and other opportunities such as purchase of vacant lands.
4. Restore deteriorated and remove degraded features that detract from the scenic view, such as old signs, dilapidated buildings, etc.
5. Ensure the Code Enforcement officer has proper training to enforce all local regulations including zoning, stormwater, erosion controls, etc.
6. Improve litter control and maintenance on the beach itself and in other town park areas (for example tilling the beach to prevent grass growth). Estimated cost: 40 hours per week- 12 weeks @ \$15.00 per hour per year
7. Inform and educate businesses within the proposed Empire Zone about its benefits, and coordinate with NY Olympic Regional Development Authority (ORDA) and other economic agencies to market and promote Wilmington.
8. Engage and enhance historical understanding on the part of residents and visitors through interpretation programs and tours. Support the mission and goals of the Wilmington Historical Society and recognize their representation and participation in this endeavor as crucially important.
9. Encourage establishment of additional businesses in Wilmington, especially within the Empire Zone area in conjunction with the Marketing Plan recommended above, seeking support from the Industrial Development Agency. There is an established need and desire for recreational businesses (boat rentals, bike rentals) and shopping options for local residents.
10. Conduct efforts to reduce energy uses, promote sustainable practices, and implement the recommendations of the Energy Smart Community initiative. This includes encouraging all small businesses, religious uses, etc. to apply for an energy audit through NYSERDA, exploring improvements in vehicle efficiency and fuel use in official vehicles and among private citizens through energy efficiency incentives, group purchases with neighboring communities.
11. Improve affordable housing options by seeking housing rehabilitation funds, exploring opportunities to expand affordable workforce housing options, and creating tax reform scaled to support the needs of lower income residents.

12. Provide additional training as needed for Planning and Zoning Boards, especially in conjunction with the updates to the Town codes and laws proposed below.
13. Seek funding to hire a grant writer and administrator – perhaps in coordination with neighboring communities also in need of this service – to continue finding funds to support LWRP and other projects. Estimated cost: \$15,000-\$25,000 annually.
14. Encourage inter-municipal efforts for planning, economic development, water quality protection and other initiatives so that these broad issues can be addressed on a more regional level where feasible.

Physical Improvements

- Build historical/natural interpretive center and/or series of kiosks connected by trails near the entrance to Town Beach and around Town. This would help orient new residents and visitors to local natural resources, house maps of historical sites, bike trails, nature trails, cross-country skiing, canoeing and kayak area, etc. Connect this to historic bridge area and other areas in town center to encourage pedestrian activity. Town to do in cooperation with WHS and other organizations such as ASRA. Estimated cost: \$275,000 and up.
- Make enhancements to critical Town areas as follows:
 - Beach Area Improvements:
 - Convert restrooms to vandal proof, water efficient models (see Long Lake model). Estimated cost: \$75,000
 - Erect flag poles at beach, create a Wilmington town flag. Estimated cost: \$2,500.
 - Gateway Improvements:
 - Establish unified, unique decorative signage on all roads entering Wilmington and for other Town-related signage as appropriate. Estimated cost: \$25,000/\$30,000.
 - Add traffic speed monitor signs at gateway points in order to slow traffic, both for safety and to increase the likelihood that passersby will stop to visit the community and spend their tourism dollars. Estimated cost: \$15,000.
 - Streetscape improvements:
 - Plant trees along Route 86 through the town center. Estimated cost: \$20,000.
 - Work with utility companies to bury power lines in the most densely populated areas.
- Repair retaining wall near the library. Estimated cost: \$85,000 - \$150,000.
- Work with DOT to ensure that bridge stonework is maintained and repaired as needed.

Adoption of Local Laws and Regulations

In addition to the above listed projects, there are a number of local laws and regulations that the Town can use to ensure that the objectives of this LWRP are met by all new development, government actions, and local projects. Many of these laws are already in effect and simply need to be updated, while others may need to be created and adopted by the Town for the first time. These laws and regulations could include the following:

Zoning Code

Zoning is the tool that many communities use to most effectively guide development patterns within their boundaries. The Wilmington Zoning Code must be updated in order to ensure that future development does not have an adverse impact on the Town or its water resources.

Given Wilmington's natural beauty and location in the Adirondack Park, it is reasonable to expect demand for waterfront property to increase, and development pressures are already being felt. The current zoning code is out of date and is not compatible with the local program, and therefore could be updated in order to ensure that future development is consistent with the character of the community and that water quality is protected to the greatest extent possible. The Town should have a zoning code that will protect its beauty, character, and resources from unchecked or haphazard growth.

Incompatible waterfront zoning can be counter-productive when considering methods to ensure more beneficial waterfront development. When zoning does not foster a cohesive and appropriate pattern of development, it can allow valuable waterfront lands to be lost to inappropriate uses that detract from the connection to the waterfront.

Undertaking a Zoning Code update is an intricate process that involves determining a number of different issues and how they can best be addressed. The following is a list of items and suggestions recommended for discussion and review during a potential zoning update process. This list is not exhaustive, but will provide the zoning update committee with a good basis for beginning their work.

- Uses on the waterfront that are not compatible with the recreational and scenic value of the water should be prohibited. Such uses include, but are not limited to, industrial uses and other uses that are non-essential to the waterfront.
- Define what are considered "water-dependent" uses as the character of the shoreline changes and, where appropriate, encourage additional water-dependent uses by amending the zoning to ensure that water-dependent uses are allowed.
- Scale new residential development to be appropriate to the setting by amending the dimensional table in the zoning ordinance.
- Ensure that hamlet zoning allows for mixed commercial and residential use, encourages community center and pedestrian/bike use, encourages infill instead of sprawl, and highlights the relationship of new development or revitalized areas to the waterfront.
- Examine the allowable uses in the zoning ordinance to avoid such uses that would exceed applicable effluent limitations, cause or contribute to contravention of water quality classification and use standards, or adversely affect water quality.
- Avoid the loss of economic, environmental and aesthetic values of important recreation, open space and natural areas of Lake Everest, the West Branch of the Ausable River and the surrounding open space character by considering an overlay protection district that preserves these areas.
- Formulate sign regulations that contribute to the scenic beauty of the area.
- Encourage new development within walking distance of the historic bridge.
- Discourage sprawl along NYS Rt. 86.

Subdivision Regulations

Subdivision regulations are a land use control, used in coordination with the zoning code to carry out the desired development patterns of a community. While zoning regulations are meant to control the use of property, subdivision regulations address the quality of development. The way in which lands are divided plays a key role in the orderly development of a community. Properly administered subdivision regulations can be more useful in achieving planning goals than zoning ordinances.

The current Subdivision Regulations should be reviewed and updated, both to bring them into compliance with State law and to ensure that they reflect currently accepted best management practices.

APA Land Use Classification change for Hamlet area

One important recommendation of this LWRP is that the Town reviews its vision and goals, and the definitions of hamlet boundaries and land use designations, with the Adirondack Park Agency. The Town believes that it may be desirable to request that the Adirondack Park Agency “Hamlet” boundary area in Wilmington be expanded to match the Town “Village Center” boundary, and that Agency land use categories within Town boundaries reflect Town land use definitions. In order to properly determine the necessity for this Land Classification change, the Town should conduct a thorough review of the classification and zoning discrepancies. This would include:

- Conducting an inventory of vacant lands in and around the current APA designated Hamlet area to determine if an expansion is needed to ensure that appropriate future development occurs in this area,
- Mapping the location of the Water District Mains to see if they exist in the Town-designated Hamlet areas that are not classified as Hamlet by the APA,
- Discussing the Town’s vision for a hamlet center, its growth and development needs, and how an expanded Hamlet area would further those community planning objectives, and
- Analyzing the extent to which the existing areas that are not APA designated Hamlet areas meet the statutory criteria set for a Hamlet, as defined by the APA Act’s descriptions of the character, purpose, policies, and objectives thereof.

The land use categories of the APA and the Town are defined differently, as noted in Tables 1 and 2 (in Section II above), in terms of zoning limits on principal buildings per acre. Specific discrepancies that exist between the APA and Town land classifications have been mapped (see [Map 10](#) - Comparison of Local Zoning and APA Land Use Classification) and include the following:

1. Resource Management lands: these are classified by the town of Wilmington as either 3 acres, 5 acres, or 8.5 acres; APA zones these as 42.7 acres per building lot. One Resource Management area has no classification by the town of Wilmington. See Table A1.

Table A1. (APA) Resource Management Zone Definitions

Wilmington Classification	APA Classification	Acres
R3 – Moderate Residential	Resource Management - 42.7 acre lot size	174.7
R5 – Open Residential	Resource Management - 42.7 acre lot size	117.4
R8.5 – Rural Residential	Resource Management - 42.7 acre lot size	2233.3
No Classification	Resource Management - 42.7 acre lot size	13.4

- To the east of Bilhuber Road are two sections of land classified by the Town of Wilmington as R1-Residential however the APA classifies it as Low Intensity (3.2 acres lot size) and Rural Use (8.5 acre lot size). See Table A2.

Table A2. (Wilmington) Residential Zone Definitions

Wilmington Classification	APA Classification	Acres
R1 – Residential	Low Intensity - 3.2 acre lot size	96.7
R1 – Residential	Rural Use – 8.5 acre lot size	6.2

- To the South and North of Fox Farm Road are three significant sections of land classified as R1-Residential however the APA classifies it as Low Intensity or Rural Use (3.2 or 8.5 acres of Intensity Guidelines).

The Town plans to update its zoning and land use codes in the near future. One aspect of this zoning code re-write may include a request for an extension of the “hamlet” category as mapped by the APA, to match its own “Village Center” zone. The discrepancy in these classifications makes it difficult for the Town of Wilmington to approve simple projects within the functional hamlet area due to the added level of approval required by the APA. The intent of this change would be to give local control to the entire hamlet area as it has been established, in order to reduce confusion and logistical problems for issues relating to hamlet properties. The vision of the Town regarding economic development, hamlet revitalization, waterfront enhancement, and other community revitalization efforts will be easier to achieve if the land use classifications are brought into alignment. For example, Wilmington extends its Village Center area on Rte. 86 (between Wilmington and Jay) to the Bilhuber/Hardy Road, approximately ¼ mile beyond the APA hamlet boundary; and the Town would like to consider approximately one half-mile south of Fox Farm Road on the eastern side of Rte. 86 as low intensity, rather than rural use. See [Map 4- Village Center Zoning District and Unclassified Parcel Map](#).

As stated above, a complete review and evaluation of the need for this land classification change would be conducted before a request would be submitted to the APA. The nature of the Hamlet designation within the Adirondack Park is to provide communities with central development areas that function as centers allowing for residential and commercial development while preserving as many of the remaining lands in the park as possible. In the Town of Wilmington, nearly 60% of the land is classified in APA land use categories that allow no development whatsoever. In order for Wilmington to grow and sustain

itself over the long term, it is necessary to have a suitable amount of land available for development. Expanding the hamlet area in Wilmington will provide a concentrated area where that growth can occur, while still protecting the majority of the open space and natural areas in the community.

Design Guidelines

Design guidelines are a set of standards and suggestions for land owners/developers to make improvements to their land that will enhance, or at the least not detract from, the visual qualities of the Town. These design guidelines can be as lenient as a simple guidebook for suggested design criteria, or as stringent as a set of mandatory regulations applied to all development, or somewhere in between,

A set of design guidelines for Wilmington would help to preserve and enhance views of the waterfront and shoreline from roads and public access areas by:

- Limiting blockage of existing visual or physical access
- Protecting “view shed” corridors from human activities by establishing guidelines for development or rehabilitation, especially on hillsides.
- Establishing vegetation or other screening for uses that could detract from the visual quality of the waterfront.
- Increasing visual access wherever practical.

Design guidelines can also be used to enhance the hamlet area by encouraging preservation of historic character and guiding the style and visual quality of development within the community.

Section V. Local Implementation Techniques

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (New York State Executive Law Article 42) places great emphasis on the implementation provisions of an LWRP. This section accomplishes two objectives. It is meant to provide sufficient information for the Department of State to determine whether Wilmington has met the state's requirements, as well as to provide the Town with a clear and complete description of the strategy the Town should follow to implement those elements of the LWRP for which the Town is responsible.

Local Laws and Common State Agency Regulations Necessary to Implement the Town's LWRP

Local laws and regulations are the basic means for enforcing the provisions of the LWRP. They can ensure that, at a minimum, nothing will occur to prevent the long-term advantageous use of the waterfront or to frustrate the achievement of any of the policies or purposes of the LWRP. The balance between development/redevelopment and resource protection that is apparent in the LWRP policies and the proposed land uses and projects has been achieved through the application of many of the Town's existing laws and regulations.

Town of Wilmington Local Laws

Waterfront Consistency Law

The purpose of this new law is to provide a framework and procedures for agencies of the Town to consider the policies and purposes contained in the LWRP when reviewing applications for actions or direct agency actions located within the Town; and to assure that such actions are consistent with the policies and purposes of the Town's LWRP. The Waterfront Consistency Review Law can be found in Appendix 1.

This local law establishes consistency review procedures for Town actions within the Town in order to implement the LWRP. This local law requires each board, department, office, officer or other body of the Town of Wilmington that its actions to directly undertake, or to permit, fund or otherwise approve any project, use or activity within the Town, be consistent to the maximum extent practicable with the State and local policies set forth in the Town of Wilmington Local Waterfront Revitalization Program. To this end, the LWRP Consistency Review Law establishes procedures for:

Initial review of proposed actions in a manner compatible with requirements of the State Environmental Quality Review Act (SEQRA), Title 6, Part 617 NYCRR.

Advisement and assistance to applicants (if involved) and/or the boards, the departments, offices, officers, or other bodies of the Town involved regarding forms, procedures, etc.

Wilmington Stormwater Management Law

Given the community's interest in preserving the waterfront in a recreation-friendly state, the LWRP emphasizes control of the sedimentation sources as a high priority. Establishing a stormwater management program, including a local law, is a key component of that need. The "Town of Wilmington Stormwater Management and Erosion and Sediment Control Law" is included in Appendix 2.

Wilmington Site Plan Review Law

The purpose of site plan review will be to allow the proper integration of land uses into the community which may be suitable only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, the selected uses for development sites will require special consideration so that they may be properly located and planned with respect to:

1. The objectives of the LWRP.
2. Their effect on surrounding properties, as well as natural ecological systems.
3. The ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers, and the protection of health, safety and welfare of the Town and its citizens.

The Town of Wilmington Site Plan Review law is included herein as Appendix 3.

Common Federal and State Agency Regulations

1. State Environmental Quality Review Act (SEQRA) and other Department of Environmental Conservation Laws

SEQRA is a law that establishes a process that requires the consideration of environmental factors early in the planning stages of actions that are directly undertaken, funded or approved by local, regional and state agencies. The Town considers all applicable requirements under SEQRA during review of all qualifying projects. SEQRA is incorporated into the site plan review procedures of the Town's Land Use Code.

DEC also issues permits for any discharge into waters, oil or gas drilling, mining, transportation of solid wastes, operation of new solid waste facilities, the storage, transport and disposal of hazardous waste. DEC also authorizes permits for air pollution, the operation of marinas and the construction, dredging or dumping in a freshwater wetland.

2. Adirondack Park Agency

The Adirondack Park Agency (APA) governs land development in the Adirondack Park. As such, there is often an additional layer of review for projects that fall within their jurisdiction. The APA has limited review authority, however, in Hamlet areas such as the hamlet center of the Town of Wilmington. Hamlets are APA designated zoning districts that primarily are located in well-settled population centers. Generally, projects that would be considered "jurisdictional" in a

Hamlet area include projects over 40 feet in height and projects proposing 100 or more residential or commercial units. The Town refers these types of projects to the APA for a jurisdictional decision.

3. Army Corps of Engineers (ACOE)

All projects proposed along the Ausable River that impact the Lake Everest Dam must be submitted to the Federal Energy Regulatory Commissioner (FERC) of the US Coast Guard and the Army Corps of Engineers. The ACOE requires a permit for wetland disturbances in the Adirondack Park.

Other Actions Required of Both Public and Private Sectors

In addition to the laws and regulations identified in the above section, a number of other public and private actions will be necessary to implement the Town's LWRP.

Waterfront Committee

The Town Board formed a waterfront committee to oversee the completion of this Local Waterfront Revitalization Program. The Town Board should continue to support this committee, whose focus will be shifted to implementation and project management of the projects recommended in Section IV, and community interaction and interface. This committee will have the ongoing responsibility of pursuing and monitoring the feasibility, importance and financial impact of the projects described in Section IV.

Complete Proposed Projects

The Town has identified a number of improvements and revitalization projects in Section IV that work to address and implement many of the LWRP policies outlined in detail in Section III. In implementing these projects the Town will seek to develop and/or foster a full range of public/private partnerships. Actions necessary to implement these projects are discussed in Section IV.

Development and Adoption of an Updated Comprehensive Plan

The Town should seek additional funds for, and expedite the development and adoption of, an update to the Comprehensive Plan of 1975. Updating the Comprehensive Plan will ensure that the Town has taken a thorough look at Wilmington in its entirety, not just the waterfront area addressed in this LWRP. This planning process is important because it takes into consideration participation from all residents, identifies critical issues that need to be addressed, and sets up a cohesive vision for the future of the Town that all subsequent codes and regulations should reflect.

Local Management Structure and Procedures for Reviewing Proposed Projects

It is the intention of the Town of Wilmington that the revitalization of the Town takes place in a coordinated and comprehensive manner that ensures a proper balance between the protection of natural resources and the need for economic development and revitalization. The Town Planning Board will assist in interpreting the LWRP to the Town Board, Zoning Board of Appeals, and any and all other Town agencies, officers, offices, personnel, and the general public.

The procedures for consistency review are intended to ensure that all of the policies of the Town's LWRP are considered as early as possible in the formulation of a proposed action. The LWRP will result in the involvement of several agencies, boards and individual officials. Primary responsibility will be with the Planning Board. However, the Supervisor, Code Enforcement Officer, Zoning Board of Appeals, Director of Public Works, and the Visitor's Bureau will all play a significant role in the implementation of the LWRP.

Financial Resources

There are three main funding implications associated with implementation of the Town's LWRP. These are the administrative costs involved in the continued local management of the LWRP, the capital and revenue costs involved in project implementation, and the costs related to maintenance and upkeep of projects.

Management costs associated with the administration of the LWRP must be budgeted by the Town and financed out of general revenues. This involves creating a separate budget line item for the administration of the LWRP by the Planning Board to cover the costs of consistency reviews, production of an annual report, and general administrative and clerical needs.

The second funding implication is the capital and revenue costs involved in project implementation. The Town of Wilmington has identified a number of LWRP projects designed to address and implement many of the LWRP Policies identified in Section III. These projects are discussed in detail in Section IV.

Although the Town will need to take the lead in achieving the implementation of these projects, it is unlikely that the Town will be able to provide the necessary financial resources to implement any of these projects without seeking financial assistance from other entities or as part of a public/private partnership.

A key element in the building of successful implementation partnerships is the availability of a local match from the Town. This match is essential in leveraging public or private sector money. The local match generally can take a number of forms, including funding by the Town, the provision of materials or Town public works labor, and the use of volunteers and staff time to provide a monetary equivalent. For example, the match for the \$25,000 grant to establish the LWRP document was met through the time donated by volunteers.

It is also advantageous to try to link LWRP project implementation to other capital improvement work within the Town, such as a development proposal or public water supply project, stretching the benefits of limited public funds to achieve multiple objectives. In terms of providing a monetary match, the Town Board should consider setting up a budget item that would dedicate funds for the implementation of LWRP projects. This item could be used to fund small-scale projects or parts of projects.

The Town should evaluate the requirements necessary to obtain monies from a variety of existing environmental response and economic development programs. Some of the available grant programs to address contaminated properties require a percentage contribution from the Town or private donors.

Government funding programs

Coastal and Inland Waterways Program - The New York State Department of State Office of Coastal, Local Government, and Community Sustainability works with local governments, businesses, community organizations, and citizens to improve their waterfronts. Technical, planning, and financial assistance are available on an annual basis for both the planning and project elements of an individual program.

Shared Municipal Services Initiative - The New York State Department of State oversees this program, whose intent is to provide technical assistance and competitive grants to two or more units of local government for the development of projects that will achieve savings and improve municipal efficiency through shared services, cooperative agreements, mergers, consolidations and dissolutions.

The New York State Clean Water/Clean Air Bond - Environmental Conservation Law Article 56. Project eligibility should be evaluated under different Bond Act funds, including the Safe Drinking Water Fund (Title 2), the Clean Water Fund (Title 3), and the Municipal Environmental Restoration Project Fund (Title 5).

The New York State Environmental Protection Fund - Environmental Conservation Law Article 54. This fund provides assistance for park, recreation and historic preservation projects.

The Federal "Superfund" - Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) This fund provides the federal government with monies to implement short-term "removal" actions, or longer term remedial investigation and remediation of hazardous waste sites listed on the National Priorities List (NPL). The NYSDEC must request that a site be listed on the NPL. This fund was used to implement limited clean-up activities at the former Diamond International site.

Federal Environmental Response and Spill Compensation Fund - Navigation Law Article 12. This fund is available to states to implement investigation and clean up of petroleum discharges and removal of underground storage tanks. The fund is also available to compensate injured parties, including municipalities which have lost revenue as a result of the discharge of petroleum.

NYS Council on Arts - The New York State Council on the Arts (NYSCA) is a state funding agency that provides support for activities of nonprofit arts and cultural organizations in New York State and helps to bring artistic programs of high quality to the citizens of the state. NYSCA achieves its goals primarily by offering grants and support services to the field through a number of discipline and field related programs.

Adirondack North Country Association - The Adirondack North Country Association works as a regional economic development association to create and retain jobs, increase goods and services, and market agricultural products, natural resources, crafts, and other items made in the region. Committed to the need for planning for economic development, ANCA works to build programs that result in long-term activities.

Empire State Development Corporation (ESDC) - and regional banks have established the Adirondack North Country Community Enhancement Program (ANCCEP) Loan Program to make a lending pool

available to Adirondack North Country businesses. Loan funding through the program will be available to small and medium-sized businesses with fewer than 500 employees.

Essex County IDA/ Franklin County IDA - Their mission is to create a viable business atmosphere that will attract compatible and diverse sustainable economic development opportunities while focusing on major assets, retention / expansion projects, quality of life and job creation. To attain these goals, the IDA's offer a number of financing instruments and economic incentives.

USDA Rural Development - The mission of the Rural Business-Cooperative Service is "to enhance the quality of life for rural Americans by providing leadership in building competitive businesses including sustainable cooperatives that can prosper in the global marketplace." They meet these goals by investing financial resources and providing technical assistance to businesses and cooperatives located in rural communities, and by establishing strategic alliances and partnerships that leverage public, private, and cooperative resources to create jobs and stimulate rural economic activity.

New York State Environmental Facilities Corporation ("EFC") - There are several State Revolving Fund ("SRF") programs which may be available to Wilmington or interested private sector investors for development of the contaminated properties.

Clean Water State Revolving Fund for Water Pollution Control - Financing is available to respond to non-point source pollution projects. Non-point source refers to water pollution from diffuse sources that are not directly related to a piped discharge. Examples include remediation of contamination from leaking underground storage tanks or collection and treatment of road runoff, and water body restoration such as stream bank stabilization, drainage erosion and sediment control.

Industrial Finance Program - provides low interest loans to private businesses for environmental improvement capital projects, including Brownfield site remediation and solid waste management.

The State Revolving Fund Program is one of the largest environmental infrastructure financing programs in the nation. Three primary loans are available through EFC: Bond-Funded Loans, Financial Hardship Loans, (including interest-free long-term), and Interest-Free Short-Term (up to two years).

Community Development Block Grant (CDBG) - This program provides direct funding from the Department of Housing and Urban Development (HUD) for activities that support the reuse of industrial sites. CDBG funds are used for grants, loans, loan guarantees and technical assistance activities.

Section 108 Federal Loan Guarantees - Another HUD program may also be applicable to the industrial site reuse effort. Eligible projects include rehabilitation of obsolete structures, property acquisition and site preparation activities that could include removal of contamination from a property.

New York State and U.S. Departments of Transportation - Grants and loans may be available pursuant to the DOT Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Provides project grants to states for the purposes of providing and maintaining recreational trails through the National Recreational Trails Funding Program.

Sustainable Development Challenge Grant Program - An EPA program to encourage communities to address their long-term ecological well being by creating plans and activities that recognize the relationships and interdependency of environmental quality, economic prosperity and community well-being for a community's long-term sustainability.

National Preservation Loans - The Preservation Loan Fund of the National Trust for Historic Preservation provides below-market loans, lines of credit or participation loans for acquisition and rehabilitation of historic buildings.

New York State Empire State Development Corporation - Program grants and loans are available as incentives to attract commercial development and may be applicable to Brownfield development through the Economic Development Fund.

U.S. Department of Commerce Economic Development Administration - Grants are available to assist economic development projects.

New York State Nonpoint Source Implementation Grants Program - The NYSDEC has a grant program under its Nonpoint Source Implementation Grants Program. The Program provides grants for up to fifty percent (50%) of the cost of eligible nonpoint source water pollution assessment, planning and abatement projects.

Private Foundation Grants - The Environmental Grantmakers Association, 1290 Avenue of the Americas, Suite 3450 New York, New York, 10104 compiles a listing of hundreds of potential foundations and trusts which may provide funding assistance to creative environmental/economic development initiatives.

Adirondack Economic Development Corporation - Provides access to capital for start-up and existing businesses located in and around the Adirondack Park. Programs combine financing and investments, entrepreneurial training and small business development, and assistance to communities to create multi-level economic opportunities within the region.

Friends of the North Country - Provides financing and loans and other business assistance throughout the Adirondack/North Country Region. Also raises funds for community programs and projects for planned development, resource protection and grassroots community advocacy.

Small Business Development Center - Provides advice and training for business start-ups and existing businesses, including the preparation of business plans and associated financial documents. This center is partnership program between the U.S. Small Business Administration and Plattsburgh State University.

AmeriCorps Program - This domestic Peace Corps engages more than 50,000 Americans in intensive, results-driven service each year. We're teaching children to read, making neighborhoods safer, building affordable homes, and responding to natural disasters through more than 1000 projects. Most AmeriCorps members are selected by and serve with projects like Habitat for Humanity, the American Red Cross, and Boys and Girls Clubs, and many more local and national organizations. Others serve in

AmeriCorps*VISTA (Volunteers in Service to America) and AmeriCorps*NCCC (the National Civilian Community Corps).

Section VI. State and Federal Actions and Programs Likely to Affect Implementation

State actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State agencies is also likely to be necessary to implement specific provisions of the LWRP.

The first part of this section identifies the actions and programs of State agencies that should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with approved LWRP. The list of State actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State agency actions that are necessary to further implementation of the LWRP. It is recognized that a State agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State assistance needed to implement the LWRP.

A. State Actions and Programs to be undertaken in a Manner Consistent with the LWRP

ADIRONDACK PARK AGENCY

- 1.00 Regulation of land use and development on private lands pursuant to the Adirondack Park Land Use and Development Plan.
- 2.00 Administration of the NYS Wild, Scenic and Recreational Rivers System Act within the Adirondack Park.

3.00 Administration of the NYS Freshwater Wetlands Act within the Adirondack Park.

4.00 Approval of local government land use plans within the Adirondack Park.

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

1.00 Agricultural Districts Program

2.00 Rural Development Program

3.00 Farm Worker Services Programs.

4.00 Permit and approval programs:

4.01 Custom Slaughters/Processor Permit

4.02 Processing Plant License

4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

1.00 Permit and Approval Programs:

1.01 Ball Park - Stadium License

1.02 Bottle Club License

1.03 Bottling Permits

1.04 Brewer's Licenses and Permits

1.05 Brewer's Retail Beer License

1.06 Catering Establishment Liquor License

1.07 Cider Producer's and Wholesaler's Licenses

1.08 Club Beer, Liquor, and Wine Licenses

1.09 Distiller's Licenses

1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses

1.11 Farm Winery and Winery Licenses

- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

OFFICE OF CHILDREN AND FAMILY SERVICES

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

EMPIRE STATE DEVELOPMENT/EMPIRE STATE DEVELOPMENT CORPORATION

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

EDUCATION DEPARTMENT

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

2.08 Storekeeper's Certificate

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - a. Water Quality Improvement Projects
 - b. Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 9.00 Permit and approval programs:
 - Air Resources
 - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
 - 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
 - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System

- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands) outside the Adirondack Park

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)

9.28 Floating Object Permit

9.30 Navigation Aid Permit

Mineral Resources

9.43 Mining Permit

9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)

9.45 Underground Storage Permit (Gas)

9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

9.47 Permit to Construct and/or Operate a Solid Waste Management Facility

9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

9.49 Approval of Plans for Wastewater Disposal Systems

9.50 Certificate of Approval of Realty Subdivision Plans

9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan

9.53 Permit - Article 36, (Construction in Flood Hazard Areas)

9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas

9.55 State Pollutant Discharge Elimination System (SPDES) Permit

9.56 Approval -Drainage Improvement District

9.57 Approval - Water (Diversion for) Power

9.58 Approval of Well System and Permit to Operate

9.59 Permit - Article 15, (Protection of Water) - Dam

- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233 of the Education Law on the removal of archaeological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
 - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
 - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
 - 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs

2.03 Neighborhood Preservation Companies Program

2.04 Public Housing Programs

2.05 Rural Initiatives Grant Program

2.06 Rural Preservation Companies Program

2.07 Rural Rental Assistance Program

2.08 Special Needs Demonstration Projects

2.09 Urban Initiatives Grant Program

2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

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

2.00 Affordable Housing Corporation

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

2.01 Operating Certificate (Community Residence)

2.02 Operating Certificate (Family Care Homes)

2.03 Operating Certificate (Inpatient Facility)

2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

OLYMPIC REGIONAL DEVELOPMENT AUTHORITY / WHITEFACE MOUNTAIN

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities, especially those having potential impact on water, water quality, water flow of the West Branch of the Ausable River, and other natural resources within the Town.
- 3.00 Funding program for land management, erosion and sedimentation control, water quality management, safety, and community involvement.

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

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

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

4.01 Billiard Room License

4.02 Cemetery Operator

4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY OF NEW YORK

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.

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

DEPARTMENT OF TRANSPORTATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.

- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

DIVISION OF YOUTH

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

B. State, Federal and Local Actions and Programs Which are Necessary to Further the LWRP

DEPARTMENT OF COMMERCE

1. Provision of funding and assistance for development and promotion of local tourism, including Adirondack North Country Association (ANCA) programs and activities in the Town area.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. Planning, development, construction, major renovation or expansion of facilities.
2. Administration of permits and approvals.
3. Implementation of the Environmental Quality Review Act of 1972.
4. Provision of operating aid to municipal wastewater treatment facilities.
5. Administration of funding for resource recovery and management capital projects.
6. Execution of cooperative agreement for expansion and maintenance of the State Boat Launch.

DIVISION OF HOUSING AND COMMUNITY RENEWAL

Continued funding under the Rural Area Preservation Program as administered by the Association for Neighborhood Rehabilitation (ANR).

DEPARTMENT OF STATE

1. Provision of funding and assistance for implementation of an approved LWRP.

DEPARTMENT OF TRANSPORTATION

1. Continued funding and assistance for Town programs and projects through enhancements.
2. Coordination of planned road improvements.
3. Provision of assistance through the New York Safe Routes to School Program
4. Provision of funding through the New York Scenic Byway Program
5. Provision of funding through the Transportation Enhancement Program

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

1. Provision of funds from the Land and Water Conservation Fund.

2. Provision of planning and funding, and development of recreation services programs.
3. Nomination of properties to the State and National Register of Historic Places.
4. Provision of funding for State and local historic preservation activities.
5. Project review of State and Federal agency projects affecting National Register properties.

PAUL SMITH'S COLLEGE

Provision of technical assistance and/or in-kind services for waterfront projects including water quality studies.

DEPARTMENT OF DEFENSE, US ARMY CORPS OF ENGINEERS

Permit decisions and assistance with funding regarding dredging or development along the Saranac River shoreline and Lake Flower dam.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Continued funding and assistance as requested through the Community Development Block Grant/Small Cities program and the Urban Development Action Grant program.

DEPARTMENT OF THE INTERIOR

1. Provision for funding under the Historic Preservation Grants-in-Aid program, when available.

DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE

Provision of investment tax credits for qualified building rehabilitation.

Section VII. Consultation with Other Agencies

Several government agencies and local organizations have been consulted during the preparation of this waterfront program. Consultation during the preparation of the draft LWRP involved correspondence, telephone contacts and/or meetings with representatives of those agencies and organizations most likely to affect or be affected by the local program. The agencies and groups listed below provided essential background information, advice, and details about potential funding sources, programs, or regulations that they administer.

To ensure that the needs and desires of the community were reflected in this Local Waterfront Revitalization Program, the Wilmington Town Supervisor established an LWRP Advisory Committee consisting of a wide representation of the residential and business community. Additional designees included representatives from APA, DEC, DOT, ORDA, Whiteface Mountain; the Wilmington Town / Planning / and Zoning Boards, the Essex County Planning Department, Ausable River Association, Wilmington Historical Society, Whiteface Area Visitor's Bureau, and Wilmington Fish, Game, and Sport Club. The LWRP was prepared over the period of two years. During the course of the Program's development the Committee held fifteen committee meetings which were open to the public. Well-publicized and well-attended public outreach meetings were held to solicit ideas for the process and for projects in January, April and October of 2006. Extensive information was made available on an LWRP website and Town Office booklet, through e-mails, posters, survey solicitations, and town newsletter and press articles.

Representatives of public agencies and private entities actively participated throughout the process and assisted in shaping this document by offering project alternatives and creative funding options. Local media reported on the LWRP's development and provided the public with important information about meeting dates.

Federal Agencies

- Office of Coastal Zone Management
- U.S. Army Corps of Engineers
- Department of Housing and Urban Development
- Department of Transportation

State Agencies

- Adirondack Park Agency
- Department of Environmental Conservation

- Department of Health
- Department of State
- Department of Transportation
- Division of Housing and Community Renewal
- Office of Parks, Recreation and Historic Preservation

Local Agencies, Groups and Organizations

- Town of Wilmington
- Town Supervisor and Town Board
- Zoning and Code Enforcement Officer
- Town Planning Board
- Town Zoning Board of Appeals
- Director of Public Works
- Whiteface Area Visitor's Bureau
- Ausable River Association
- Wilmington Historical Society
- Wilmington Fish, Game and Sport Club

The completed draft LWRP (and Environmental Assessment Long Form) will be declared complete by the Town Board and forwarded to the Secretary of State for review. During a 60-day review period, the LWRP will be available for review and comment by all affected government agencies and other interested parties. Since the NYS Department of State coordinated the federal and State reviews, only those affected regional and local government agencies and other local organizations will be consulted directly by the Town.

Comments on the draft LWRP and the DEIS received at public hearings and/or in writing will be analyzed by the Town Board, Local Waterfront Revitalization Advisory Committee and program consultants. Upon receiving all comments, the Town of Wilmington, as lead agency, will prepare and adopt the final LWRP

Appendix 1 Town of Wilmington Waterfront Consistency Review Law

Be it enacted by the Town Board of the Town of Wilmington follows:

GENERAL PROVISIONS

I. Title.

This Local law will be known as the Town of Wilmington Waterfront Consistency Review Law.

II. Authority and Purpose.

- A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this local law is to provide a framework for agencies of the Town of Wilmington to incorporate the policies and purposes contained in the Town of Wilmington Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions within the coastal area; and to assure that such actions and direct actions by Town agencies are consistent with the LWRP policies and purposes.
- C. It is the intention of the Town of Wilmington that the preservation, enhancement and utilization of the unique coastal area of the Town take place in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate limited population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss and degradation of living coastal resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural coastal processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
- D. The substantive provisions of this local law shall only apply when there is in existence a Town of Wilmington Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. Definitions.

- A. "Actions" include all the following, except minor actions:
- (1) projects or physical activities, such as construction or any other activities that may affect natural, manmade or other resources in the coastal area or the environment by changing the use, appearance or condition of any resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals, permits, or review from an agency or agencies;
 - (2) agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;
 - (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect coastal resources or the environment; and
 - (4) any combination of the above.
- B. "Agency" means any board, agency, department, office, other body, or officer of the Town of Wilmington.
- C. "Waterfront area" means the Waterfront Revitalization Area as delineated in the Town of Wilmington Local Waterfront Revitalization Program.
- D. "Waterfront Assessment Form (WAF)" means the form, a sample of which is appended to this local law, used by an agency to assist in determining the consistency of an action with the Local Waterfront Revitalization Program.
- E. "Consistent" means that the action will fully comply with the LWRP policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.
- F. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to a capital project, rule making, procedure making and policy making.
- G. "Environment" means all conditions, circumstances and influences surrounding and affecting the development of living organisms or other resources in the coastal area.
- H. "Local Waterfront Revitalization Program" or "LWRP" means the Local Waterfront Revitalization Program of the Town of Wilmington, approved by the Secretary of State

pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Town of Wilmington.

- I. "Minor actions" include the following actions, which are not subject to review under this chapter:
- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
 - (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes;
 - (3) repaving or widening of existing paved highways not involving the addition of new travel lanes;
 - (4) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
 - (5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, or within Significant Coastal Fish and Wildlife Habitat areas;
 - (6) granting of individual setback and lot line variances, except in relation to a regulated natural feature, a bulkhead or other shoreline defense structure;
 - (7) minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;
 - (8) installation of traffic control devices on existing streets, roads and highways;
 - (9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
 - (10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any action;
 - (11) official acts of a ministerial nature involving no exercise of discretion, including building where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code.
 - (12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

- (13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (14) collective bargaining activities;
- (15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road de-icing substances, or other hazardous materials;
- (18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (21) adoption of a moratorium on land development or construction;
- (22) interpreting an existing code, rule or regulation;
- (23) designation of local landmarks or their inclusion within historic districts;
- (24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to coastal resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (25) local legislative decisions such as rezoning where the Town Board determines the action will not be approved.

IV. Management and Coordination of the LWRP

- A. The Town of Wilmington Planning Board shall be responsible for coordinating review of actions in the Town's coastal area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.
- B. The Planning Board shall coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions.
- C. The Planning Board shall assist the Town Board in making applications for funding from State, Federal, or other sources to finance projects under the LWRP.
- D. The Planning Board shall perform other functions regarding the coastal area and direct such actions or projects as the Town Board may deem appropriate, to implement the LWRP.

V. Review of Actions

- A. Whenever a proposed action is located within the Town's coastal area, each Town agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in Section H herein. No action in the coastal area shall be approved, funded or undertaken by that agency without such a determination.
- B. Whenever a Town agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the agency shall refer a copy of the completed WAF to the Planning Board within ten (10) days of its receipt and prior to making its determination, shall consider the recommendation of the Planning Board with reference to the consistency of the proposed action.
- C. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards set forth in Section H herein. The Planning Board shall require the applicant to submit all completed applications, WAFs, EAFs, and any other information deemed necessary to its consistency recommendation.

The Planning Board shall render its written recommendation to the agency within thirty (30) days following referral of the WAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant or in the case of a direct action, the agency. The Planning Board's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and shall elaborate in writing the basis for its opinion. The Planning Board shall, along

with a consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards or to greater advance them.

In the event that the Planning Board's recommendation is not forthcoming within the specified time, the agency shall make its consistency decision without the benefit of the Planning Board's recommendation.

- D. If an action requires approval of more than one Town agency, decision making will be coordinated between the agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency for the specific action being reviewed. Only one WAF per action will be prepared. If the agencies cannot agree, the Town Board shall designate the consistency review agency.
- E. Upon receipt of the Planning Board's recommendation, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in Section H herein. The agency shall consider the consistency recommendation of the Planning Board, the WAF and other relevant information in making its written determination of consistency. No approval or decision shall be rendered for an action in the coastal area without a written determination of consistency having first been rendered by a Town agency.

The Planning Board is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Planning Board in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- F. Where an Environmental Impact Statement (EIS) is being prepared or required, the draft EIS must identify applicable LWRP policies standards in Section H and include a thorough discussion of the effects of the proposed action on such policy standards.
- G. In the event the Planning Board's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is consistent with the LWRP policy standards.
- H. Actions to be undertaken within the coastal area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and further explained and described in Section III (Policies) of the Town of Wilmington LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions must

also consult with Section IV (Proposed Uses and Projects), in making their consistency determination. The action must be consistent with the policies to:

1. Foster a pattern of development in the waterfront area that enhances the community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.
 2. Preserve historic resources of the waterfront area
 3. Enhance visual quality and protect scenic resources throughout the waterfront area
 4. Minimize loss of life, structure, and natural resources from flooding and erosion.
 5. Protect and improve water quality and supply
 6. Identify, protect and restore the quality and function of the ecosystem
 7. Protect and improve air quality in the waterfront area
 8. Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and waste
 9. Provide for public access to, and recreational use of, waterfront waters and public lands in the waterfront area
 10. Protect water-dependent uses in suitable locations
 11. Promote sustainable use of fish and wildlife resources
 12. Protect agricultural lands
 13. Promote appropriate use and development of energy and mineral resources
- I. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Board. Such files shall be made available for public inspection upon request.

VI. Enforcement.

No action within the Wilmington coastal area which is subject to review under this Chapter shall precede until a written determination has been issued from a Town agency that the action is consistent with the Town's LWRP policy standards. In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Code Enforcement Officer or any other authorized official of the Town shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect. The Town

Attorney, Code Enforcement Officer and Police Department shall be responsible for enforcing this Chapter.

VII. Violations.

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this Chapter shall have committed a violation, punishable by a fine not exceeding two hundred and fifty dollars (\$250.00) for a conviction of a first offense and punishable by a fine of two thousand dollars (\$500.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

VIII. Severability.

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

IX. Effective Date.

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

WATERFRONT ASSESSMENT FORM (WAF)

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Town of Wilmington agencies, shall complete this WAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a Town of Wilmington agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town of Wilmington Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of agency action (check appropriate response):
 - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)

 - (b) Financial assistance (e.g. grant, loan, subsidy)

 - (c) Permit, approval, license, certification

 - (d) Agency undertaking action:

2. Describe nature and extent of action:

- 3. Location of action:

Street or Site Description

- 4. Size of site:

- 5. Present land use:

- 6. Present zoning classification:

- 7. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations):

- 8. Percentage of site which contains slopes of 15% or greater:

- 9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?
 - (1) Name:

 - (2) Size (in acres):

- 10. If an application for the proposed action has been filed with the agency, the following information shall be provided:
 - (a) Name of applicant:

 - (b) Mailing address:

 - (c) Telephone number: Area Code ()

 - (d) Application number, if any:

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes___ No___ If yes, which state or federal agency?

C. WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

	YES	NO
1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map:	___	___
(a) Significant fish or wildlife habitats?	___	___
(b) Scenic resources of local or statewide significance?	___	___
(c) Important agricultural lands?	___	___
(d) Natural protective features in an erosion hazard area	___	___

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

2. Will the proposed action have a significant effect upon:		
	YES	NO
(a) Commercial or recreational use of fish and wildlife resources?	___	___
(b) Scenic quality of the coastal environment?	___	___
(c) Development of future, or existing water dependent uses?	___	___
(d) Stability of the shoreline?	___	___
(e) Surface or groundwater quality?	___	___
(f) Existing or potential public recreation opportunities?	___	___
(g) Structures, sites or districts of historic, archeological or cultural significance to the Town of Wilmington, State or nation?	___	___
3. Will the proposed action involve or result in any of the following:		
	YES	NO
(a) Physical alteration of land along the shoreline, land under water or coastal waters?	___	___
(b) Physical alteration of two (2) acres or more of land located		

	elsewhere in the coastal area?	___	___
(c)	Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?	___	___
(d)	Energy facility not subject to Article VII or VIII of the Public Service Law?	___	___
(e)	Mining, excavation, filling or dredging in coastal waters?	___	___
(f)	Reduction of existing or potential public access to or along the shore?	___	___
(g)	Sale or change in use of publicly-owned lands located on the shoreline or under water?	___	___
(h)	Development within a designated flood or erosion hazard area?	___	___
(i)	Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	___	___
(j)	Construction or reconstruction of erosion protective structures?	___	___
(k)	Diminished surface or groundwater quality?	___	___
(l)	Removal of ground cover from the site?	___	___
4.	Project	YES	NO
(a)	If a project is to be located adjacent to shore:		
(1)	Will water-related recreation be provided?	___	___
(2)	Will public access to the foreshore be provided?	___	___
(3)	Does the project require a waterfront site?	___	___
(4)	Will it supplant a recreational or maritime use?	___	___
(5)	Do essential public services and facilities presently exist at or near the site?	___	___
(6)	Is it located in a flood prone area?	___	___
(7)	Is it located in an area of high erosion?	___	___
		YES	NO

- (b) If the project site is publicly owned:
 - (1) Will the project protect, maintain and/or increase the level and types of public access to water- related recreation resources and facilities? ___ ___
 - (2) If located in the foreshore, will access to those and adjacent lands be provided? ___ ___
 - (3) Will it involve the siting and construction of major energy facilities? ___ ___
 - (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities? ___ ___
- (c) Is the project site presently used by the community neighborhood as an open space or recreation area? ___ ___
- (d) Does the present site offer or include scenic views or vistas known to be important to the community? ___ ___
- (e) Is the project site presently used for commercial fishing or fish processing? ___ ___
- (f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal? ___ ___
- (g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?..... ___ ___
- (h) Will the project involve any waste discharges into coastal waters? ___ ___
- (i) Does the project involve surface or subsurface liquid waste disposal? ___ ___
- (j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? ___ ___
- (k) Does the project involve shipment or storage of petroleum products? ___ ___
- (l) Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters? ___ ___

- (m) Does the project involve or change existing ice management practices? ___ ___
- (n) Will the project affect any area designated as a tidal or freshwater wetland? ___ ___
- (o) Will the project alter drainage flow, patterns or surface water runoff on or from the site? ___ ___
- (p) Will best management practices be utilized to control storm water runoff into coastal waters? ___ ___
- (q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies? ___ ___
- (r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates? ___ ___

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form.)

If assistance or further information is needed to complete this form, please contact Town of Wilmington Clerk at _____

Preparer's Name: _____ Telephone Number: ()

Title: _____ Agency _____

Appendix 2 Town of Wilmington Stormwater Management and Erosion and Sediment Control Law

Town of Wilmington Stormwater Management and Erosion and Sediment Control Law

A local law to establish regulations regarding requirements for stormwater management, erosion and sediment control in the Town of Wilmington.

Be it enacted by the Town Board of the Town of Wilmington as follows:

Article 1 General Provisions

Section 1. Definitions

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant - a property owner or agent of a property owner who has filed an application for a land development activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation

Design Manual - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, serves as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book.”

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating stormwater into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development activity

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - rainwater, surface runoff, snowmelt and drainage

Stormwater Hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation.

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 2. Findings of Fact

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 3. Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 2 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- A. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- B. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- C. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- D. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- E. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 4. Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of Wilmington has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Wilmington and for the protection and enhancement of its physical environment. The Town Board of Wilmington may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 5. Applicability

This local law shall be applicable to all land development activities as defined in Section 1.

- A. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the

Town Board of the Town of Wilmington, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

- B. All land development activities subject to review and approval by the Planning Board of the Town of Wilmington shall be reviewed subject to the standards contained in this local law.
- C. All land development activities not subject to review as stated in Section 5B shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 6. Exemptions

The following activities may be exempt from review under this law.

- A. Agricultural activity as defined in this local law, except that landing areas and log haul roads are subject to this law.
- B. Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- C. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- D. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Wilmington on or before the effective date of this law.
- E. Land development activities for which a building permit has been approved on or before the effective date of this law.
- F. Cemetery graves.
- G. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- H. Emergency activity immediately necessary to protect life, property or natural resources.
- I. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- J. Landscaping and horticultural activities in connection with an existing structure that disturb less than one acre.

Section 7. Stormwater Pollution Prevention Plans

- A. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be approved until the appropriate board has received and reviewed a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

B. Contents of Stormwater Pollution Prevention Plans

1. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - a. Background information about the scope of the project, including location, type and size of project.
 - b. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent offsite surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 - c. Description of the soil(s) present at the site;
 - d. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 - e. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - f. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;
 - g. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

- i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - j. Temporary practices that will be converted to permanent control measures;
 - k. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - m. Name(s) of the receiving water(s);
 - n. Delineation of SWPPP implementation responsibilities for each part of the site;
 - o. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - p. Any existing data that describes the stormwater runoff at the site.
2. Land development activities as defined in Section 1 of this Article and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 7 (B) (3) below as applicable:
- Condition A Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department’s 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - Condition B Stormwater runoff from land development activities disturbing five (5) or more acres.
 - Condition C Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.
3. SWPPP Requirements for Condition A, B and C:
- a. All information in Section 7 (B) (1) of this local law;
 - b. Description of each post-construction stormwater management practice;

- c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- e. Comparison of post-development stormwater runoff conditions with pre-development conditions;
- f. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- g. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
- h. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- i. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law;
- j. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

C. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

D. Contractor Certification

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
2. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

3. The certification statement(s) shall become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 8. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

- A. **Technical Standards** - For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:
 1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
 2. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

B. Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Section 8 A and the SWPPP shall be prepared by a licensed professional.

C. Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

Section 9. Maintenance, Inspection and Repair of Stormwater Facilities

A. Maintenance and Inspection During Construction

1. The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

2. For land development activities as defined in Section 1 of this Article and meeting Condition A, B or C in Section 7 (B) (2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.
3. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

B. Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Wilmington to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Wilmington.

C. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 8 C.

D. Maintenance Agreements

The Town of Wilmington shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The Town of Wilmington, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future

stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article 2. Administration and Enforcement

Section 1. Construction Inspection

Inspections as may be required under this local law may be performed by the Town of Wilmington Stormwater Management Officer, or the local government may designate an inspector required to have a Professional Engineer's (PE) license or Certified Professional in Erosion and Sediment Control (CPESC) certificate. When such an inspector is designated, said inspector is required to submit a report to be kept on file with the stormwater pollution prevention plan (SWPP).

A. Erosion and Sediment Control Inspection

The Town of Wilmington Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Wilmington enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

1. Start of construction
2. Installation of sediment and erosion control measures
3. Completion of site clearing
4. Completion of rough grading
5. Completion of final grading
6. Close of the construction season
7. Completion of final landscaping
8. Successful establishment of landscaping in public areas

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater Management Practice Inspections

The Town of Wilmington Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of Stormwater Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to:

1. routine inspections
2. random inspections
3. inspections based upon complaints or other notice of possible violations
4. inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants
5. inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit
6. joint inspections with other agencies inspecting under environmental or safety laws

Inspections may include, but are not limited to:

1. reviewing maintenance and repair records
2. sampling discharges, surface water, groundwater, and material or water in drainage control facilities
3. evaluating the condition of drainage control facilities and other stormwater management practices

D. Submission of Reports

The Town of Wilmington Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

E. Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of Wilmington, or its designated inspector, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph C.

Section 2. Performance Guarantee

A. Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Wilmington in its approval of the Stormwater Pollution Prevention Plan, the Town of Wilmington may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory

completion of the project and names the Town of Wilmington as the beneficiary. The security shall be in an amount to be determined by the Town of Wilmington based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Wilmington, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility (ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town of Wilmington. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Wilmington with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Wilmington may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping

The Town of Wilmington may require entities subject to this law to maintain records demonstrating compliance with this law.

Section 3. Enforcement and Penalties

A. Notice of Violation

When the Town of Wilmington determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

1. the name and address of the landowner, developer or applicant;
2. the address when available or a description of the building, structure or land upon which the violation is occurring;
3. a statement specifying the nature of the violation;
4. a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;

5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Orders

The Town of Wilmington may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of Wilmington confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

C. Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E. Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Code Enforcement Officer may prevent the occupancy of said building or land.

F. Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Wilmington may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 4. Fees for Services

The Town of Wilmington may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Wilmington or performed by a third party for the Town of Wilmington.

Section 5. Severability and Effective Date

A. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

B. Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

Approved by: _____ Date _____

Schedule A

New York State Stormwater Management Design Manual, Table 5.1

Stormwater Management Practices Acceptable for Water Quality <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of storm water runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

**SAMPLE STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT**

Whereas, the Municipality of the Town of Wilmington ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Essex together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

This agreement is effective _____, 20____

Appendix 3 Site Plan Review Law

Town of Wilmington Site Plan Review Law

ARTICLE ___ Site Plan Review

1. Purpose of article.

The purpose of this article is to allow the proper integration of uses into the community. Because of their characteristics, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

- (1) The objectives of the Town of Wilmington Land Use Code, Comprehensive Plan and Local Waterfront Revitalization Plan.
- (2) Their effect on surrounding properties.
- (3) The ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers, and the protection of the environment, health, safety and welfare of the Town and its citizens.

2. Applicability.

Uses requiring site plan approval.

- (1) All new commercial development activities within the Town shall require site plan review and approval before being undertaken.
- (2) All projects exceeding Type I thresholds of Part 617 of the New York State Environmental Quality Review Act (SEQRA) shall be subject to Site Plan Review and referred to the APA for Class A regional project review concurrent with the Site Plan review process.

3. Site Plan Review Procedure.

- A. Application shall be made to the Planning Board using forms supplied.
- B. Prior to formal submission of a detailed site plan, applicants may schedule an optional Sketch Plan conference.

- C. The purpose of the sketch plan conference is to allow the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required for the site plan. In order to accomplish these objectives, the applicant shall provide 10 copies of the following:
 - (1) A brief narrative and preliminary concept showing the locations and dimensions of principal and accessory structures, parking areas, and other planned features and any anticipated changes in the existing topography and natural features.
 - (2) A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 200 feet.
 - (3) A topographic or contour map of adequate scale and detail to show site topography.
- D. If the Planning Board determines that the information submitted for the sketch plan is sufficient, it may, at its discretion, conduct site plan review at the sketch plan meeting without requiring additional information or scheduling a separate site plan meeting.
- E. If additional information is requested by the Planning Board after the sketch plan conference, a complete application shall be submitted to the Code Enforcement Officer. The Code Enforcement Officer shall notify the Planning Board and the Adirondack Park Agency within 10 days and shall provide a copy of the application to each interested body.

4. Application content.

- A. The Planning Board may request that the applicant provide the same information requested at the Sketch Plan conference and may further request any of the items listed under “D” below. The Planning Board is not limited to this list and may request any additional information it deems necessary or appropriate. In determining the amount of information it will require, the Planning Board will consider the type of use, its location, and the size and potential impact of the project.
- B. At least two weeks in advance of the scheduled Planning Board meeting date at which a site plan is to be considered, 10 copies of the application for site plan approval shall be submitted to the Code Enforcement Officer.
- C. The proposed site plan shall show the information requested by the Planning Board.
- D. Site plan checklist:
 - (1) Existing conditions.
 - (a) Legal data.

- [1] Name and address of applicant and authorization of owner, if different from applicant.
 - [2] Name and address of owner(s) of record, if different from applicant.
 - [3] Name and address of person or firm preparing the plan and map.
 - [4] Ownership intentions, such as purchase options.
 - [5] Current zoning classification of property, including exact zoning boundary if in more than one district.
 - [6] Property boundary line plotted to scale. Distances, angles and area should be shown.
 - [7] North arrow, scale and date.
 - [8] Locations, widths, elevations and names of existing and proposed adjacent streets.
 - [9] Property lines and names of owners of adjoining parcels.
 - [10] Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property.
 - [11] Description of all existing deed restrictions or covenants applying to the property.
 - [12] The identification of any state or county permits required for execution of the project.
 - [13] Other requirements which the Planning Board might deem necessary, including but not limited to a licensed survey.
- (b) Natural features.
- [1] Geological features, such as depth to bedrock and the location of rock outcrops.
 - [2] Topographic features, including a map showing existing slope at two-foot contour intervals.
 - [3] Vegetative cover, including existing wooded areas, significant isolated trees and similar features.
 - [4] Soil characteristics, such as load bearing capacity and drainage capacity.

- [5] Hydrologic features should include drainage and runoff patterns, flood hazard areas, wetlands and depth to groundwater.
- (c) Existing development and infrastructure.
 - [1] Location and dimensions of major buildings and structures and their use.
 - [2] Location and width of roads and paths, including site access.
 - [3] Location, size and flow direction of sewers, water supply lines and culverts. Major electric, fuel and utility lines and appurtenances should also be shown.
 - [4] Location of other existing development and uses, including parking and loading areas, fences, and landscaping.
- (2) New conditions.
 - (a) Proposed development.
 - [1] Grading and drainage plan showing proposed topography at appropriate contour intervals. This information shall be combined with the map of existing topography.
 - [2] Location, proposed height and use of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units.
 - [3] Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas.
 - [4] Location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.
 - [5] Location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.
 - [6] Location, design and construction materials of all energy distribution facilities, including electric, gas and solar energy.
 - [7] Location, size and design and construction materials of all outdoor signs.

- [8] General landscaping plan and planting schedule, including areas of natural vegetation to remain, the treatment of buffer areas and the location and type of trees to be planted.
- [9] Estimated project construction schedule with possible phasing plan for large projects.
- [10] Additional specifications for materials.
- [11] Performance bond, amount, completion schedule, public improvements covered, inspection and bond approval if required.
- [12] Any other requirements which the Planning Board might deem necessary, including but not limited to a licensed survey.
- [13] Environmental Review. Applications for site plan review and approval shall be accompanied by a short-form or a long-form Environmental Assessment Form (EAF) or a draft Environmental Impact Statement (EIS), as required by SEQRA.

NOTE: All plans shall be at a scale of one inch equals 40 feet or larger scale showing the proposed development and their immediate environs. When development is proposed for larger lots, those areas left undeveloped may be shown on a site location map at an appropriate scale and level of detail.

5. Planning Board Action.

- A. Following receipt of an application for site plan review, the Code Enforcement Officer shall notify the Planning Board and the Planning Board shall determine its completeness at its next scheduled meeting. The Code Enforcement Officer shall notify the Adirondack Park Agency of such receipt as required, and furnish to the Agency such pertinent information as the Agency may deem necessary.
- B. Notices. Applications that meet the criteria of General Municipal Law (GML) Section 239-m shall be sent to the Essex County Planning Board prior to the Planning Board decision. Applications that meet the criteria of 239–nn shall be noticed to neighboring municipalities.
- C. The Planning Board shall comply with Part 617 the SEQRA.
- D. Optional Public Hearings. Within 62 days following the determination of a complete application by the Planning Board, the Planning Board may hold a public hearing if a public hearing is deemed necessary. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the project and the possibility of an eventual disapproval. Applicants may request a

public hearing. When an applicant requests a public hearing, no site plan review project may be disapproved without such a hearing.

- E. Public Hearing Notice. The Planning Board shall notice the public hearing by publication in the official newspaper at least five days prior to the date of the public hearing.
 - (1) A copy of the public notice shall be mailed to the Adirondack Park Agency. The Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this section.
- F. Planning Board Decision. The Planning Board shall render a decision within 62 days of receipt of a complete application or within 62 days of the close of a public hearing, if required. Said decision shall be in the form of an approval, approval with conditions, or disapproval based on the criteria of this Local Law. The decision shall incorporate the specific description and expiration date for any conditions imposed by the Planning Board.
- G. The Planning Board, in conjunction with its approval of any site plan review project, may impose such requirements and conditions as are allowable within the proper exercise of the police power. The Planning Board may impose reasonable conditions to ensure that the project will be adequately supported by services and improvements made necessary by the project, and to ensure that the project will be completed in accordance with the requirements and conditions authorized under this Local Law. In addition, the Planning Board may require that the Code Enforcement Officer incorporate any such requirements and conditions in any permit issued with regard to such site plan review project.
- H. Filing of decision. The decision of the Planning Board shall be filed within five (5) days of a decision in the office of the Town Clerk and a copy thereof mailed to the applicant. The decision shall contain such findings of fact and conditions as are required by this Local Law. The decision shall also be mailed to the Adirondack Park Agency.

6. Criteria for Site Plan Review.

- A. The Planning Board shall not approve an application unless it first determines that such site plan review application meets the following site plan review objectives and guidelines;
 - (1) The application complies with all other requirements of this Local Law and the Town of Wilmington Land Use code, including the dimensional regulations of the zoning district in which it is proposed to be located;
 - (2) The project would be in harmony with the general purpose and intent of this Local Law and the Local Waterfront Revitalization Plan, specifically taking into account the location, character, and size of the proposed project and the

description and purpose of the district in which such project is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed project, and the nature and rate of any increase on the burden of supporting public services and facilities which will follow the approval of the proposed project;

- (3) The establishment, maintenance or operation of the proposed project would not create public hazards from traffic, traffic congestion, or the parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the town;
- (4) The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space to provide supporting facilities and services made necessary by the project - taking into account the commercial, industrial, economic, educational, residential, recreational or other benefits that might be derived from the project. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth hereof, and in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in this Local Law; and
- (5) The Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and residents of the immediate neighborhood.

B. In considering the approval of the site plan, the Planning Board shall find that the proposed development meets all the following standards and requirements.

- (1) Relationship to adjacent and nearby land uses both public and private.
- (2) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- (3) Visual compatibility with surroundings and aesthetics.
- (4) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- (5) Location, arrangement, appearance and sufficiency of off-street parking and loading.

- (6) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
- (7) Adequacy of stormwater and drainage facilities.
- (8) Adequacy of water supply and sewage disposal facilities including the relationship to existing and proposed water supply, sewage disposal.
- (9) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- (10) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Relationship to the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents and visitors.
- (12) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion. Effect on air and water quality standards applicable primarily to industrial site development plans.
- (13) Effect on energy consumption and conservation.

7. Additional APA Development Considerations.

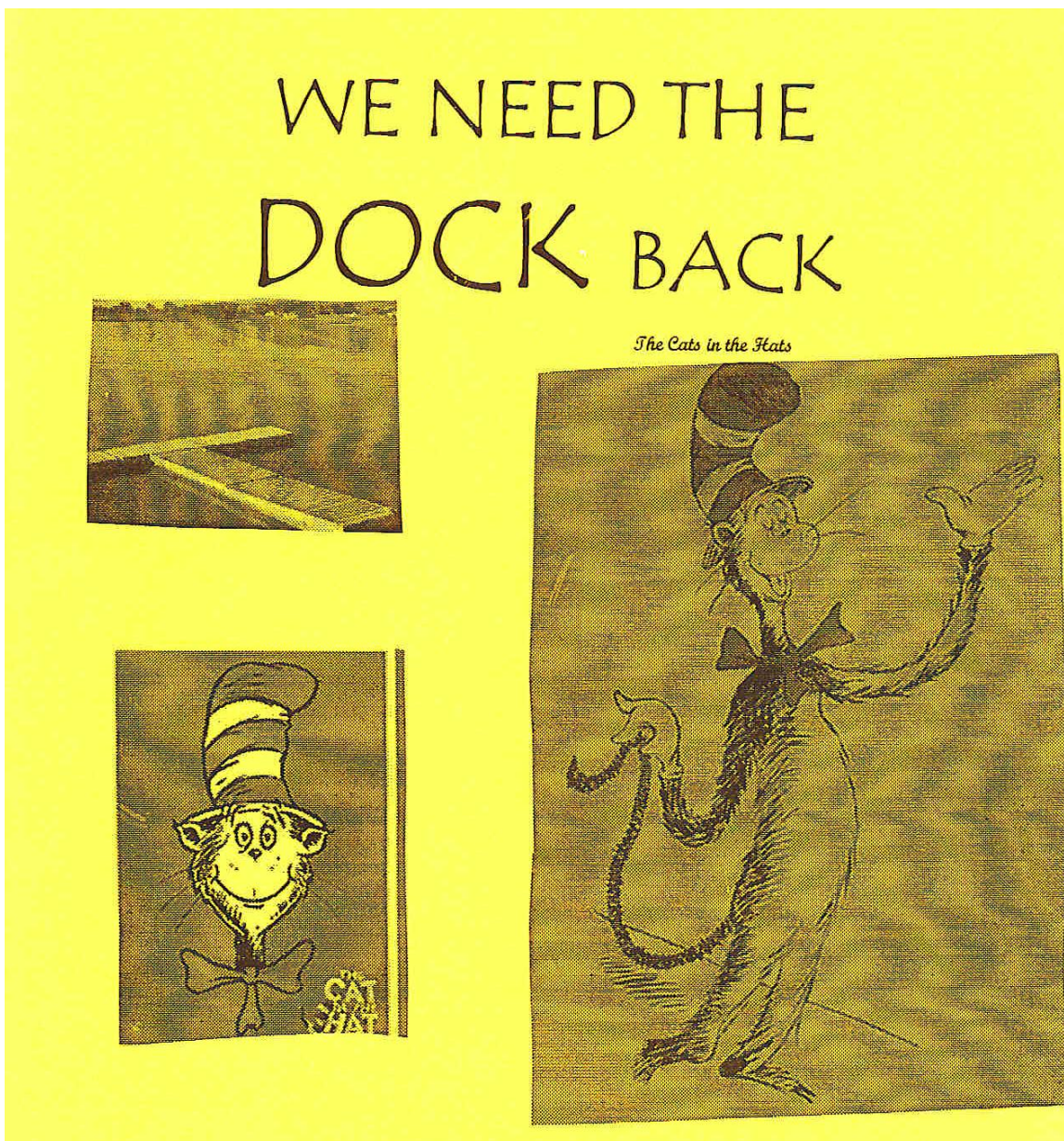
- A. The following are those factors which shall be considered, which relate to the potential for adverse impact upon the park's natural aesthetic, ecological, wildlife, historical, recreational or open space resources before any site plan review project is undertaken in the town. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivisions of land shall also be taken into account, as well as any commercial, industrial, residential, recreational or other benefits which might be derived there from.
- B. Natural resource considerations.
 - (1) Water.
 - (a) Existing water quality.
 - (b) Natural sedimentation or siltation.
 - (c) Eutrophication.

- (d) Existing drainage and runoff patterns.
- (e) Existing flow characteristics.
- (f) Existing water table and rates of recharge.
- (2) Land.
 - (a) Existing topography.
 - (b) Erosion and slippage.
 - (c) Floodplain and flood hazard.
 - (d) Mineral resources.
 - (e) Viable agricultural soils.
 - (f) Forest resources.
 - (g) Open space resources.
 - (h) Vegetative cover.
 - (i) The quality and availability of land for outdoor recreational purposes.
- (3) Air quality.
- (4) Noise levels.
- (5) Critical resource areas.
 - (a) Rivers and corridors of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law.
 - (b) Rare plant communities.
 - (c) Habitats of rare and endangered species and key wildlife habitats.
 - (d) Alpine and sub-alpine life zones.
 - (e) Wetlands.
 - (f) Elevations of 2,500 feet or more.
 - (g) Unique features, including gorges, waterfalls, and geologic formations.
- (6) Fish and wildlife.
- (7) Aesthetics.

- (a) Scenic vistas.
 - (b) Natural and man-made travel corridors.
- C. Consideration of Historic site or Structures.
- D. Site development considerations.
 - (1) Natural site factors.
 - (a) Geology.
 - (b) Slopes.
 - (c) Soil characteristics.
 - (d) Depth to groundwater and other hydrological factors.
 - (2) Other site factors.
 - (a) Adjoining and nearby land uses.
 - (b) Adequacy of site facilities.
- E. Governmental considerations.
 - (1) Governmental service and finance factors.
 - (a) Ability of government to provide facilities and services.
 - (b) Municipal school or special district taxes or special district.
 - (2) In considering the approval of columbariums, the Planning Board shall require reasonable conditions or provisions to ensure the continued maintenance of the columbarium facility in perpetuity.
 - (3) Considerations of Conformance with other governmental controls

Appendix 4 Selected Community Input

Included here are examples of community views on waterfront issues in Wilmington, including letters, notes from meetings, and a flyer created by a group of community youth. See web site for more complete information.



February 1, 2006

LWRP

Town of Wilmington

I am a 46-year-old native of Wilmington. I have water skied on the river, jumped off the bridge to swim, even been over the dam in a cardboard box. The river is very important to me, even though I may not want to try the box again. Let me say that the AuSable River along with Whiteface Mountain is in my eyes the crown jewels of the Adirondacks. You are hard pressed to find a more picturesque place. Wilmington is a charming peaceful town and should be marketed that way with the natural beauty and what it has to offer.

For years I have been razzed about being from Wilmington. I love Wilmington for what it is, the peace and quiet, not having one person on top of another. I don't want to see Wilmington become another Lake Placid. I would like it to be unique, not the same as every other town. Every other Town does not have the AuSable River and Whiteface Mountain.

I think it is very important to find a balance, something that is good for the businesses and also good for the people that live here. This should be able to be done, as when I was a kid growing up there were a lot more Motels than there are now and they were full every night of the week in the summer. I don't remember life being so bad then, so I know the balance is achievable.

I think that the river is a great asset to the town and just having it there is very important to me. Just about all the points brought at the meeting up are very good, with the most important item being the river filling in. I think dredging should be done in an environmentally friendly way, however funding for this is the key issue, as the local tax base could not afford such a project. I also have a concern about the new Gate at the Dam not being big enough to lower the level of the river to remove in the fall and install in the spring the boards, which raise the level to keep it from being a mud flat. Thousands of taxpayer dollars were spent on this project and it does not work and no one wants to talk about it!

I don't know if we have to add anything, but I think we should take care of what we have and return the river to what it once was. The bridge needs maintenance to the stonework; the parking area at the bridge needs to be updated as far as bank stabilization and landscaping. The area at the bridge is used extensively in the summer and is one of the most visible spots in Town in regards to the rivers and mountains, the river bank needs to have garbage picked up on a regular basis. Old fashioned lights on the bridge would be nice, not seeing the wires overhead would be nice. Salt runoff is very much a concern. Storm water runoff is a concern, is this being addressed in the road project, which is to begin in the spring through the center of town? You can see the extensive silt buildup at the lower side of each side of the bridge from the current storm water runoff system. Whiteface Ski Center needs to be looked at, there were major mud/landslides in the seventies in the mid nineties, huge amounts of debris went into the river, can anything be done to prevent this?

The Beach area needs to have the pavilion updated, the bathrooms are disgusting, landscaping and stabilizing the shoreline could greatly enhance what is already there. The comment made about the

flume area was dead on, it is a beautiful area which has extreme use in the summer and no one takes care of it, there is garbage all over all the time. There are biking and hiking trails at the flume, fishing, cross country skiing and snow shoeing in the winter, this area should be enhanced and promoted, most people don't know that it exists and it is one of the most beautiful walks anywhere. We don't really need more; we need to take care of what we have. People are not going to give up the water front for a nature walk, it will never happen, so we should not waste time spinning our wheels on this.

In conclusion I think we need to take care of what we have and then I think the locals and businesses alike we benefit together.

Randy Preston
century.fire@frontiemet.net

My Favorite Things about the River

By: Bekah Ashley (age 12)

Water is one of the best things ever, especially on a warm summer day. Going down to the Au Sable River swimming and boating, from our home to the Lake Everest Beach, have always been my favorite things to do in the summer. This past year Y however, I have noticed how shallow things are getting.

I really enjoy catching turtles in the spring; love to swim in the summer, kayak in the fall, and skate in the winter. I love the beauty of the mountains and the river and enjoy taking pictures with my dad's camera.

What I like about the Au Sable River and Beach

By: Elisabeth Ashley (age 7)

I like the beach because I like to swim, play on the playground, and I like to play with my friends when I am there. I like to make sand castles with my brother and play on the swings.

I like to boat down to the beach, find turtles, and walk along the banks of the river with my dog Cookie. I also like to find pretty rocks when I walk through the river with my water shoes on.

I always like to play with my brother, sisters, and friends down at the river. It is so pretty there.

Some Memories of the AuSable during the 50's

Fishing -could always catch two or three good trout just below Bowman's on any day. We would swim first and then fish in the afternoon.

Swimming-Many families and tourists would spend all day at the "Fish and Game Club" (now the Town Beach) There was no beach and the water became deep very near shore. There was a diving board for many years.

Swimming at the bridge was very popular. Jumping from the bridge (or diving) was a rite of passage. There was an anchored raft up-river from the bridge (I think owned by the Wilmington Inn) that was used often as a place to sunbathe or dive from. There was also a springboard just below the bridge, on the west bank. Boating-Several people had small motorboats on the river. They were usually 5 horsepower or less.

Carol Yard, who lived at the Bridge, had a speedboat and he would tow water skiers from there to the back of my property. My property is one mile from the corner toward L.P. It is probably one and one half or two miles by river.

The river would be periodically drained in the fall. I can remember canoeing in very shallow water with a gravel bottom much of the way from my house to the beach area.

The river seemed much deeper at that time. It was six or seven or more feet in many areas. It has become more and shallower as the years have passed. There are many stretches of the river from the bridge to the riffles where you can walk without ever getting your shoulders wet.

The backwaters have heavy vegetation since the work on the dam. This limits navigation in them to a large extent. Several of these areas were good places to view wildlife from a Canoe or Kayak.. The backwaters affected are several acres in area. I fear that the vegetation will add to the process of siltation and cause these areas to become bogs instead of open water as they have been for the last 50 or so years.

I have canoed, boated, swam and fished on the AuSable for over fifty years. There seems to be acceleration in recent years of the siltation process.

I would hate to see it become a shallow warm water pond.

Bill McConvey

Appendix 5 List of Committee Members

	<u>Name</u>	<u>Role / Interests</u>
1	Holly Aquino	Committee; visitors' bureau, motel owner
2	Jeanne Ashworth	Supervisor
3	Anne Lenox Barlow	Committee; ASRA director, (sharing role with John Lafferty.)
5	Jim Carmelitano	Committee; riverfront / motel owner
6	Ginny Crispell	Committee; Alternate for Judi Gould / planning board
7	Garrett Dague	Essex County Planning
8	Rachel Finn	Committee; fishing guide / ASRA
9	Gary Follos	Committee
10	Judi Gould	Committee; planning board
11	Brian Grisi	APA Resource person
12	Bob Guynup	Committee; code officer, fish/hunt club
13	Bob Hammond	ORDA erosion control specialist
14	Tom Hinman	Committee; motel owner / riverfront. Prefer calls to e-mails.
15	Andy Keal	Maps
16	Andy Labruzzo	DOS planning specialist
17	John Lafferty	Committee; ASRA board. Prefer calls but e-mail documents please.
18	Bruce McCulley	Whiteface resource person
19	Michael McMurry	DEC Resource person
20	Lisa Nagle	ASCI team planner
21	Kara Page	ASCI team planner
22	Kevin Prickett	Committee

23	Kathy Regan	ASCI team ecologist
24	Bill Skufca	Resident, highway dept. alternate
25	Jane Sibalski	Committee; riverfront
26	Guy Stephenson, Jr. and Game Club	Vice President of Wilmington Historical Society and of Wilmington Fish
27	Dawn Stevens	Town board and business community
28	Michael Vilegi	Business community
29	Lance Durfree	DEC
30	Bethany Stephenson	Resident and DEC
31	Mike Fayette	DOT

Appendix 6 Additional Proposed Projects

The following is a list of potential projects that were identified during the LWRP process. While these projects are not critical to the implementation of the vision and goals of this LWRP, they are important ideas that should not be lost. The Town can use this list as a guide for future projects or as a reference and starting point for future planning initiatives.

- Reduce landfill demand by requesting recycling contractors to expand plastics recycling, requesting a State increase in bottle bill fee and coverage, and working with the State to support local businesses that accept bottle returns. Estimated cost: Action by Town leaders.
- Explore protection of beach area with rock buffer or some suitable alternative to prevent flooding and sand removal in extreme weather events
- Study and map point source discharges that affect the West Branch of the Ausable, including all upstream areas and tributary streams.
- Review water quality testing protocol with particular focus on regularity, coverage, and local involvement and make improvements as needed. Research other communities' volunteer water quality monitoring systems for examples and models.
- Continue to search for improved, affordable road protection technologies to displace damaging sand and salt use. Request DOT support for this. Estimated cost: Action by Town leaders.
- Identify historical pollution problems and ensure that no contamination remains; seek funds for cleanup as needed.
- Establish community volunteer programs in water quality and wildlife monitoring and other activities, including an "adopt a resource" program for the Flume and other public areas.
- Control or abate existing and prevent new air pollution through public education, outside support to find alternatives. Request DEC and other agency support to study alternatives to outdoor wood-burning stoves. Estimated cost: Action by Town leaders.
- Seek Town, County or State protection and assistance to acquire additional open space areas, easements for public access, and donations of private land or easements, especially in the waterfront area. Estimated cost: Tax relief, money for actual land purchases, partner with Adirondack Land Trust.
- Establish a composting and materials recycling center in cooperation with neighboring communities. Estimated cost: \$30,000.

- Revitalize deteriorated, abandoned or under-utilized sites within the LWRP boundary area by maintaining a list of such properties and seeking grant funding to make improvements.
- Explore the potential for hydro power options. Estimated cost: Action by Town leaders.
- Conduct a municipal energy audit and implement changes as appropriate. Estimated cost: \$5,000/\$20,000.
- Encourage the establishment of a community fitness center / indoor pool / space for classes. See Section IV.B.1.
- Seek assistance for addressing abandoned and decrepit buildings that detract from the aesthetic quality of Wilmington.
- Work toward improving nonpoint and point source pollution controls from roadways, businesses, private lawns, etc. through education, incentives such as a green citizen program, public campaigns, and fines. Use a pamphlet and/or the Town Website to educate residents and visitors about ways to reduce their contributions to non-point source pollution.

Appendix 7 Definitions

Selected terms used in the policies are defined as follows:

Accretion means the gradual and imperceptible accumulation of sand, gravel, or similar material deposited by natural action of water on the shore. This may result from a deposit of such material upon the shore, or by a recession of the water from the shore.

Agricultural land means land used for agricultural production, or used as part of a farm, or having the potential to be used for agricultural production. Agricultural lands include lands in agricultural districts, as created under Article 25-AA of the Agricultural and Markets Law; lands comprised of soils classified in soil groups 1, 2, 3, or 4 according to the New York State Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

Aquaculture means the farming of aquatic organisms, including fish, mollusks, crustaceans, and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies ownership of the stock being cultured.

Best management practices means methods, measures, or practices determined to be the most practical and effective in preventing or reducing the amount of pollutants generated by nonpoint sources to a level compatible with water quality standards established pursuant to section 17-0301 of the Environmental Conservation Law. Best management practices include, but are not limited to, structural and non-structural controls, and operation and maintenance procedures. Best management practices can be applied before, during, or after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

Coastal Hazard Area means any coastal area included within an Erosion Hazard Area designated by the New York State Department of Environmental Conservation pursuant to the Coastal Erosion Hazard Areas Act of 1981 (Article 34 of the Environmental Conservation Law), and any coastal area included within a V-zone as designated on Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234).

Development, other than existing development, means any construction or other activity which materially changes the use, intensity of use, or appearance of land or a structure including any activity which may have a direct and significant impact on waters. Development shall not include ordinary repairs or maintenance or interior alterations to existing structures or traditional agricultural practices. The term shall include division of land into lots, parcels, or sites.

Historic resources means those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows: any historic resource in a Federal or State park established, solely or in part, in order to protect and preserve the resource; any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places; any cultural resource managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust; any archaeological resource which is on the inventories of archaeological sites maintained by the Department of Education or the Office of Parks, Recreation, and Historic Preservation; any resource which is a significant component of a Heritage Area; any locally designated historic or archaeological resources protected by a local law or ordinance.

Native or indigenous stock means fish, shellfish, and crustaceans originating in and being produced, growing, living, or occurring naturally in the waters.

Natural ecological community means a variable assemblage of interacting plant and animal populations that share a common environment.

A natural protective feature means a near shore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon.

A public trust land means those lands below navigable waters, with the upper boundary normally being the mean high water line, or otherwise determined by local custom and practice. Public trust lands, waters, and living resources are held in trust by the State or by the trustees of individual towns for the people to use for walking, fishing, commerce, navigation, and other recognized uses of public trust lands.

A rare ecological community means ecological communities which, according to the State Natural Heritage Program, qualify for a Heritage State Rank of S1 or S2; and those which qualify for a Heritage State Rank of S3, S4 or S5; and an Element Occurrence Rank of A. (See Inventory for definitions of these ranks.)

Traditional waterfront communities means communities which historically have contained concentrations of water-dependent businesses; possess a distinctive character; and serve as a focal points for commercial, recreational, and cultural activities within the region.

Vulnerable fish and wildlife species means those listed in 6 NYCRR Part 182.5 as Endangered Species, Threatened Species, and Special Concern Species.

Vulnerable plant species means those listed in 6 NYCRR Part 193.3 as Endangered Species, Threatened Species, Exploitable Vulnerable Species, and Rare Species.

Water-dependent use means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

Water-enhanced use means a use or activity which does not require a location adjacent to coastal waters, 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.

Waterfront Redevelopment Area means a waterfront area which is part of or near a business district and contains blighted or underutilized properties which are adequate in size to accommodate significant redevelopment of regional or statewide benefit. The following factors shall be considered in identification of waterfront redevelopment areas: (1) evidence of community commitment and initiative; (2) participation in the Local Waterfront Revitalization Program; (3) adequacy of local land and water use regulations; (4) adequacy of infrastructure; (4) opportunities for local and regional economic growth; and (5) opportunities for improved public access, environmental quality, and creation of local activity centers.

Appendix 8 Selected References

Aerial Analysis of Sedimentation in the Dog River Watershed by James G. Carver, Department of Geography and Geology, University of South Alabama

Application for NYDEC Clean Water/Clean Air Act, Water Quality Improvement Projects Sedimentation Removal Project: October 1997

Ausable River Association: Memo regarding Route 86 drainage Improvements: June 27, 2005; Draft Proposal for Upgrading Lake Placid Winter Snow Storage along the Chubb River (no date); Whiteface Mountain Water Quality Improvement Opportunities (no date); Watershed map and web site printed pages

Ecologic 2000. Dredging Feasibility Study of Lake Algonquin prepared for the Town of Wells, New York, Draft Report.

Essex County Historical Society (downloaded 12/15/05 from: <http://adkhistorycenter.org/index.html>)

H.P. Smith, A History of Wilmington, 1885, Mason and Co., Syracuse, NY. (downloaded 12/14/05 from: <http://history.rays-place.com/ny/wilmington.htm>)

Lake George Park Commission web site.

National Park Service et al., Ausable River Study, 1995.

NYS Adirondack Park Agency: Draft Minutes of the Regulatory Programs Committee Meeting held on August 12, 2004: including the Town of Wells permit application for dredging; APA Project Permit 2002-210: Town of Wells dredging Lake Algonquin

NYS Department of Environmental Conservation: Wilmington Wild Forest UMP: October 2005; Memo regarding Wilmington Hydroelectric Development: August 15, 1983

NYS Department of State: Guidebook: Making the most of your Waterfront – Enhancing waterfronts to revitalize communities: 2004; NY State Department of Environmental Conservation

Schoch, William. West Branch Ausable River: Habitat, Fishery Resources and Angler Concerns, NYS Dept. of Environmental Conservation, July 1994.

Shore Owners' Association of Lake Placid, Inc.: Web page

The Green Room – The Ski Industry Environmental Database list of ski area awards:
www.Skiareacitizens.com web page explaining ski area grading for environmentally aware skiing choices

Town of Essex: Waterways and Harbor Management Law: adopted March 13, 2003; Waterfront Consistency Review Law: Local Law No. 3 of the year 2003

Town of Wells Master Plan section 6: Recommended Actions: June 2002

Town of Wilmington Land Use Code, June 17, 1988

Town of Wilmington Community Revitalization Plan, 2001

US Army Corp of Engineers: Comments for their permit application: November 30, 2004

Village of Saranac Lake: Local Waterfront Revitalization Program, 2004.

Wilmington Historical Society web page and K. Peters' speech at rededication of Wilmington Dam, July 2005.