

SECTION III WATERFRONT REVITALIZATION POLICIES

Introduction

The Local Waterfront Revitalization Program (LWRP) policies presented in this chapter consider the economic, environmental and cultural characteristics of Malone’s Waterfront Revitalization Area (WRA). The policies are comprehensive and refine existing State policies. They represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on waterfront resources. The policies provide direction to local communities to adopt their own LWRP policies and approaches to local economic and development issues. Once the local LWRP policies are adopted, they will guide state, Town, or Village activities occurring within the WRA. All policies reflect actions for both the Town and Village to undertake either alone or in partnership unless otherwise indicated.

DEVELOPED WATERFRONT POLICIES

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

The policy is intended to foster a development pattern in Malone that provides for beneficial use of the waterfront throughout the Town and Village and the downtown area’s resources to be known as the “Village Core”. The purpose of the LWRP is to assure the protection and beneficial use of the many waterfront resources and preserve the character of Malone as a historic northern industrial community. Traditionally, business development has focused on the downtown business district.

To enhance the value of the downtown district, the Village is broadening its economic development focus to encompass potential opportunities along the Salmon River waterfront. This presents both a physical and visual challenge since the Salmon River exists at a much lower elevation than the Main Street section of the Village Core. A visitor would not have the opportunity to visually connect with the waterfront unless they experience it as a pedestrian. Providing a downtown environment where the visitor is motivated to stop is an important part of the equation.

Downtown Malone will be revitalized through economic, development increased and improved recreational opportunities, and linkages to existing and newly planned community facilities. In addition, creative ways will be pursued to attract residents and visitors to the downtown area and offer a more diverse range of community activities and commercial goods and services.

Some development along the waterfront is presently not consistent with the character in the Village Core. In many locations it has a detrimental impact on the visual appearance of the river

corridor and also serves to limit both visual and physical access to the Salmon River. This policy is intended to foster a development pattern that provides for beneficial use of waterfront resources. The primary components of the desired development pattern are to strengthen the Malone waterfront as a center of activity, encourage water-dependent uses where appropriate, enhance stable commercial areas, eliminate blight in and around the downtown waterfront area and preserve open space and open it to public recreation where practicable.

Since Malone's original settlement, the community character of the Village and Town has been defined by a pattern of development with a strong physical and visual relationship to the Salmon River; its industrial roots, downtown and residential area are centered around the waterfront area. As Malone engages in the long-term planning process associated with the LWRP and focuses on its future development, priority should be given to land uses which emphasize this historic relationship and enhance the rich relationship of the community with the River. The Town and Village's focus will be on maintaining the present land uses, enhancing existing waterfront access points, providing a continuous waterfront trail and providing stream corridor standards to protect water quality.

1.1 Concentrate development and redevelopment in or adjacent to downtown Malone

The overall purpose of this policy is to combine land use components that highlight the existing natural resources of the Salmon River, Malone's local history and important built features, and to reinforce the identity of Malone as a riverfront community. New development in the Village Core should have some focus on the waterfront to best capitalize on the existing built environment. Since the Salmon River is too hazardous for recreational pursuits in the downtown area, its main role in the region will be as a scenic resource. Development and redevelopment should make use of existing infrastructure and should be limited to areas with no or few environmental constraints, avoiding any negative impacts on the Salmon River and the surrounding watershed.

The revitalization of the deteriorated, abandoned or poorly utilized sites within the waterfront and downtown area is a means of improving aesthetics, economic vitality and recreational opportunities. Deteriorated, abandoned or underutilized sites have been identified in Section II (Inventory and Analysis) of this LWRP, and there are specific sites that have been the focus of revitalization efforts, including the Flanagan Hotel and the Horton Mill. These properties have great potential for adaptive reuse and redevelopment for commercial and community purposes, to contribute to the waterfront and downtown revitalization efforts, and to display the rich history of Malone. The redevelopment of these properties will refocus public attention on the Village Core and its revitalization potential.

The following standards and implementation measures should be adhered to when evaluating future development:

- Participate in potential development opportunities surrounding the various dam structures in the Waterfront Revitalization Area (WRA) and link this development to the waterfront and the downtown.
- Support and promote projects that encompass the natural and historic importance of the waterfront and downtown areas.
- Strengthen the economic viability of the downtown area by concentrating initial economic development efforts at the intersection of the downtown and the Salmon River.
- Engage existing businesses and developers in future planning and development to implement the strategies outlined in the LWRP.
- Plan for economic development on a regional basis with surrounding communities recognizing the potential of the entire Salmon River waterfront.
- Provide for a mix of recreational, cultural and commercial opportunities along the river corridor and downtown areas to encourage partnerships, shared parking, and interconnections.
- Site land uses that are appropriate to the waterfront area, including cultural and commercial uses.
- Stimulate a market for future commercial and retail development by providing diverse housing opportunities in the second and third stories of commercial buildings in the downtown.
- Accommodate new waterfront uses in an orderly manner and foster safe, convenient waterfront access at strategic locations, especially at existing community gathering areas.

1.2 Ensure that development or uses take appropriate advantage of their waterfront location.

Malone has a limited amount of waterfront suitable for development. Much of the space has been devoted to industrial uses that are now defunct. Many of the associated buildings have been abandoned and fallen into disrepair. It is Malone's intention to provide a measure of control for future uses in the waterfront, including the rehabilitation of abandoned or underutilized buildings for uses that will attract both residents and visitors.

General principles to be followed in developing the above implementation measures that will ensure a consistent outcome include:

- Reserve the immediate waterfront for water-dependent uses and public recreation. All uses should provide economic development opportunities and/or public benefits.
- Accommodate water-enhanced uses where they are compatible with surrounding development, do not displace or interfere with water-dependent uses, and reflect the unique qualities of a waterfront location through appropriate design and orientation.
- Permit uses that complement existing or proposed uses that will serve to draw more visitors to the waterfront. Avoid uses on the waterfront, which cannot by their nature derive economic benefit from a waterfront location.

- Allow other uses that derive benefit from a waterfront location in appropriate locations such as residential uses above storefronts in the downtown.

1.3 Protect stable residential areas from deterioration and incompatible uses.

Those areas that are primarily residential in the WRA along the shoreline between the roads and the river should be protected from adverse development impacts. Any new development should be compatible with the neighborhood character. Residential buildings along the waterfront that are in poor condition should be evaluated for other potential types of use that may be more appropriate for the waterfront. Malone should seek out developers that are interested in mixed-use development.

General principles that should be followed to ensure this outcome include:

- Encourage the rehabilitation of deteriorated buildings in the WRA by developing financial incentives for private developers.
- Provide for standards that set thresholds for demolishing substandard buildings.

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

Malone has several outstanding public parks that could be enhanced by removing incompatible uses, increasing maintenance, and making improvements. These areas that need improvement are referred to in Section II, C.3 and C.4. Some of the most well used and loved areas enjoyed by residents and visitors include small pocket parks. The area adjacent to the Whippleville Bridge provides scenic views and access to the Salmon River. Agricultural lands exist to the south and north of the Village along the east bank of the Salmon River. These lands add significant value to the scenic viewshed and rural setting making these areas good driving and cycling corridors. The existing zoning that permits agricultural uses should continue.

General principles to be followed to ensure these outcomes include:

- Avoid loss of economic, environmental and aesthetic values associated with these areas.
- Maintain existing park facilities.
- 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 Malone Country Club and Titus Mountain Ski Area. Careful attention should be paid to the potential loss of open spaces due to future development in these areas.

1.5 Minimize adverse impacts of new development and redevelopment.

Present zoning and development standards for the waterfront are based upon uses that are not active. New standards need to be created to address the waterfront uses that are recommended in

the LWRP. Since much of the Salmon River waterfront is steep in the downtown area, great care must be taken to ensure that redevelopment and infill development is completed with minimal disturbance to the river.

The following standards and implementation measures should be adhered to when evaluating future development:

- Development shall be sited so as to not impair the waters of the Salmon River. Careful attention shall be paid to soil and hillside stabilization before, during, and after construction.
- Minimize all potential adverse land use, environmental and economic impacts that would result from proposed development.
- Minimize the potential for adverse impacts of types of development, which individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

Policy 2 Preserve historic resources of the waterfront area.

The intent of this policy is to preserve the historic and archaeological resources of the waterfront area. Concern extends not only to the specific site or resource but also to the area adjacent to and around specific sites or resources. The quality of adjacent 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. While the LWRP addresses such resources within the waterfront area, it actively promotes preservation of historic, archaeological, and cultural resources that have a waterfront relationship. This policy is applicable to the historic resources identified in Section II, including the Horton Gristmill and the Flanagan Hotel.

2.1 Maximize preservation and retention of historic resources.

Malone has a beautiful stock of downtown structures, many of which are historically significant. Historic structures including the Horton Mill and the Flanagan Hotel should be reserved for redevelopment opportunities. As part of an initiative to create an historic district in the Village, an inventory of the buildings was developed. Buildings outside of the Village Core should also be inventoried and identified for their role in Malone's history. Historic and cultural markers plus an updated Town and Village wide tour would help deepen the understanding of Malone's early settlers, its role in national events such as the Revolutionary War and Abolition movement, and its industrial history.

The Horton Grist Mill is currently owned by the Malone Revitalization Foundation and was the focus of a feasibility study that was completed in 2003. Reconstruction would require a dismantling of the structure, an architectural assessment of the potential reuse of materials, and an archeological survey before reconstruction could occur. The reconstructed mill will be built to incorporate contemporary code requirements and accessibility standards.

The original Northern Institution for Deaf-Mutes school opened in 1884 at a different location. The school operated on College Avenue until its closure in 1943, after which the school became a satellite location for Clarkson College until 1951. In 1957, the school and associated lands were deeded to the Malone School District. During the 1980's North Country Community College occupied the campus until it relocated to Ballard Mill. The campus is now empty and represents an opportunity for rehabilitation or redevelopment.

The following standards and implementation measures should be adhered to when evaluating future development:

- Appearance of buildings should reflect the historic fabric of downtown area and avoid using architecture and colors not otherwise represented in the Village Core.
- Preserve the historic character of the resource by protecting historic materials and features or by making repairs using appropriate measures.
- Provide for compatible use of the historic resource, while limiting and minimizing alterations to the resource.
- Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource, such as façade restoration.
- Relocate historic structures only when the resource cannot be preserved in place.
- Permit demolition of these buildings only where alternatives for retention are not feasible.
- Avoid potential adverse impacts of development on nearby historic resources.
- Comply with the U.S. Secretary of the Interior's standards for rehabilitation of historic resources.

2.2 Preserve and protect archaeological resources.

A site survey and cultural resource investigation should be conducted when an action is proposed in an area identified for potential archeological sensitivity.

General principles to be followed to ensure this outcome include:

- Minimize potential adverse impacts by redesigning projects, reducing direct impacts on the resource, recovering artifacts prior to construction, and documenting the site.
- Prohibit appropriation of any object of archaeological or paleontological interest situated on or under lands owned by New York State, except as provided for in Education Law, § 233.

2.3 Protect and enhance resources that are significant to the waterfront culture.

Malone's riverfront provided power for the early mills and now provides hydroelectric power for modern-day homes and businesses. This natural resource running through the back-yards of Malone now provides us with the opportunity and focal point to rejuvenate the waterfront area

and provides a prime location for parks, nature walks, and tourist venues. The various hydropower sites throughout the Town and Village provide many opportunities for fishing access and passive use.

Standards and implementation measures to be followed to ensure this outcome include:

- Maximize the potential for public recreational use at all hydropower sites along the Salmon River. Continue the open dialogue with Brookfield Power and actively participate in the design and function of all sites offering public access particularly at the Macomb Dam and Chasm Falls Dam.
- Provide for educational and interpretive signage in the downtown areas of the Salmon River when projects are undertaken.

Policy 3 Enhance visual quality and protect scenic resources throughout the waterfront area.

Visual quality is a major contributor to the character of the entire waterfront area, and the primary basis for the public's appreciation of the Salmon River corridor. In addition to exceptional scenic natural resources, the interplay of the built and natural environments is of particular importance to visual quality. The intent of this policy is to protect and enhance visual quality and protect recognized scenic resources of the waterfront area. The policy is applicable to the scenic resources identified in Section II, such as the views from Main Street and Lamica Lake.

3.1 Protect and improve visual quality throughout the Salmon River viewshed area.

The Salmon River sits within a valley, surrounded by the rolling hills of the rural plateaus of the northern fringe of New York State. The river is visible from the roads that travel up the mountain in the southern portion of the Town, and along the roads on either side of the river. As the river meanders into the Village, the former industrial and residential buildings that once dominated the shoreline limit visual access. Main Street sits above the river, and travelers and pedestrians are afforded a unique look at the water and the Whittlesey Dam. In the Town, the river is very scenic and is visible from many of the local roads. One of the most scenic attributes of the Salmon River is the section downstream of the Macomb Dam, where the river flows into a deep, stone gorge, unique to any other part of the river within Malone.

Much of the Salmon River viewshed is undeveloped or rural in character. It is the intention of the LWRP to preserve the exceptional visual quality of the entire corridor. The Town has recently been addressing a number of proposed wind turbine structures and responded by adopting a Wind Energy Facilities Law. This law regulates the size and output of wind towers in order to protect neighboring property owners from the aesthetic impacts of the wind towers, as well as to ensure their health, safety and welfare.

Standards and implementation measures to be followed to ensure the above outcomes include:

- Screen structures and activities that detract from visual quality. Require review process for projects that may have a significant impact on the environment.
- Preserve existing vegetation that contributes to the scenic quality of the landscape.
- Newly sited structures in the viewshed of the Waterfront Area shall be sited as to minimize impacts on the Salmon River viewshed corridor.

NATURAL WATERFRONT POLICIES

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

Increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from dam construction and water release practices. The cumulative impact of these structures can be very significant. As evidenced during the 1997 repairs of the Chasm Falls Hydroelectric Dam, major waterway construction projects can have long-lasting effects on the ecology and sediment levels of Malone's waterbodies. Before a permit is granted to allow construction of any development or dam structures, the purpose, function, impact, and alternatives need to be carefully evaluated to determine that the structures are necessary and to avoid adverse impacts. This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout the waterfront area.

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

Chapter 24 of the Village Code addresses Flood Damage Prevention to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. Properties that have been identified within areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) must adhere to the regulations set forth in Chapter 24. The flooding problems currently occurring along a three-mile stretch of the Salmon River, from Lower Park Street to the Macomb Dam, have been identified for mitigation.

The section of the Village of Malone Code that addresses stormwater and erosion control is titled "Filling and Grading", Chapter 21A. The purpose of this chapter is to ensure that the filling and grading of properties in the Village is conducted in such a manner as not to result in an increase of surface water runoff on to any other properties and shall not result in any condition which would increase erosion or result in any unstable condition upon the site or adjacent properties. This provision is not effective in that there are no standards for obtaining a permit. The provision does not coincide with or incorporate NYSDEC stormwater regulations. Once this provision is updated, as recommended in Section V, the Village will enforce the regulations.

Standards and implementation measures to be followed to ensure protection from erosion and flooding hazards include the following:

- Avoid development other than water-dependent uses in flood hazard areas.
- Relocate development and structures from the hazard areas, as practical.
- Use vegetative non-structural measures which have a reasonable probability of managing flooding and erosion, based on shoreline characteristics including exposure, geometry, and sediment composition.
- Enhance existing natural protective features and processes, and use non-structural measures, which have a reasonable probability of managing erosion.
- Use hard structural erosion protection measures for control of erosion only where the above measures are not sufficient to protect the principal use, or the use is water-dependent or a waterfront redevelopment area.
- Manage development in flood hazard areas so as 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 and manmade protective features.

There are numerous dam structures along the Salmon River for which there is a build up of sediment that eventually interferes with the structure's integrity. There have been times that water behind a dam has been released (controlled release) and this has resulted in a significant impairment in water quality and the ability of the Salmon River to act as a trout hatchery.

General principles that should be followed to minimize water quality impairment include:

- Maximize the protective capabilities of natural protective features by: avoiding alteration or interference with shorelines in a natural condition; enhancing existing natural protective features; restoring impaired natural protective features; and managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline.
- Minimize interference with natural river processes by: providing for natural supply and movement of unconsolidated materials; minimizing intrusion of structures into coastal waters and interference with coastal processes; and mitigating any unavoidable intrusion or interference.

4.3 Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.

The following standards should be adhered to when evaluating future development:

- Give priority in expenditure of public funds to actions which: 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.

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 Salmon River. Significant improvements to water supplies and water treatment facilities have recently been completed; therefore, water supply is not an issue in the Malone community. Water quality considerations include both point source and nonpoint source pollution management. Water quality protection and improvement in the region must be accomplished by the combination of managing new and remediating existing sources of pollution.

5.1 Prohibit direct or indirect discharges, which would cause or contribute to contravention of water quality standards.

There are a number of sources for stormwater throughout the Village and Town along the Salmon River. These stormwater outlets are believed to be a significant source of pollution for the Salmon River and steps are needed to eliminate or otherwise mitigate these sources.

The following standards and implementation measures should be adhered to when evaluating future development:

- Ensure effective treatment of sanitary sewage and industrial discharges by maintaining efficient operation of treatment facilities, providing secondary treatment of sanitary sewage, improving nitrogen removal capacity, incorporating treatment beyond secondary for new wastewater treatment facilities, reducing demand on facilities, reducing loading of toxic materials, reducing or eliminating combined sewer overflows, managing on-site disposal systems, eliminate combined storm and sanitary sewer lines.

5.2 Protect and enhance the quality of waterfront area waters.

Providing a reasonable level of water quality protection of water resources in the WRA requires there exist baseline water quality data available for comparison purposes. Since there is no comprehensive water quality data for Branch Brook, and limited data for Lake Titus and parts of the Salmon River, a more consistent water quality program will be required in order to measure the impacts of any policies or projects implemented as a result of this LWRP.

The following standards and implementation measures would apply:

- 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.
- Protect water quality of the waterway waters from adverse impacts associated with excavation, fill and disposal of dredged material.

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

Stormwater management to reduce water pollution is essential in areas where development activities are impacting water quality in the Salmon River. The primary sources of urban runoff are from road surface breakup, motor vehicle fuels and lubricants, atmospheric deposition, spills, litter, sediment and construction site debris.

The following objectives of controlling stormwater runoff should be adhered to when evaluating future development:

- Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems, and protects areas that are particularly susceptible to erosion and sediment loss.
- Enhance the quality of nonpoint source runoff by water retention methods. Utilize a system of vegetative and structural methods that detain the increased volume and rate of stormwater runoff so as to prevent increases in the magnitude and frequency of flooding. Utilize a system of vegetative, structural and other measures, which store, minimize, or treat pollutants carried by surface runoff.
- Maintain natural stream channels and prevent accelerated bank erosion by controlling the rate and velocity of runoff into streams.
- Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed, which would result in a failure to meet water quality standards.

Policy 6 Protect and restore the quality and function of the ecosystem.

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 and unregulated freshwater wetlands, designated Significant Coastal Fish and Wildlife Habitats, and rare, threatened, and endangered species. The Salmon River does not have any designated Significant Coastal Fish and Wildlife Habitats identified by either the NYSDEC or the NYSDOS, however, there are a number of important spawning and nursery habitat locations. Both the U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation have no record of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats in the immediate vicinity of Malone.

6.1 Protect and restore ecological quality.

Invasive plant and animal species including the Purple Loosestrife and Japanese Knotweed represent an emerging issue for Malone. The Invasive Species Elimination Program reports that some landscapes are routinely cultivated, such as roadside right-of-ways. Invasive plant species

are commonly held in check within these specific growing mediums. When invasive plants are abundant, widely distributed, and capable of expanding beyond these “edge communities” and into more natural, sensitive settings, they are ranked as a higher threat to the native biodiversity of the Adirondack Park’s lands and waters.

In 2001, the four partners—the Adirondack North Country Association (ANCA), the Adirondack Park Agency (APA), the Department of Transportation (DOT), and the Department of Environmental Conservation (DEC) — formalized their commitment to the invasive plant project in a Memorandum of Understanding and agreed upon the following objectives:

- Identify invasive species of concern.
- Continue roadside inventories.
- Investigate and implement best management practices for control and containment.
- Monitor to measure success.
- Continue surveillance to identify and record new locations.
- Increase public and agency awareness through education and outreach including the use of interpretive signage.
- Conduct removal programs to assist in the elimination of existing invasive species.

The following standards and implementation measures should be adhered to when evaluating future development:

- Avoid significant adverse changes to the quality of the ecosystem as indicated by physical loss, degradation, or functional loss of ecological components.
- Retain and add indigenous plants.
- Monitor invasive plant species. Educate public regarding long-term mitigation of species that displace native plants.
- Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.
- Avoid permanent adverse change to ecological processes.

6.2 Protect Fish Populations and Habitats

The Salmon River is well known for its significant fisheries resources. The river is a natural trout habitat and supports a rainbow brook and brown trout population. Fish populations are also strong throughout the river due to DEC’s stocking program in addition to naturally reproducing trout. Several issues continue to threaten the long-term health of the Salmon River fishery. Stress on trout fisheries is attributed to a number of factors. Water temperature is one important factor that is affected by the lack of shade cover over streams. Another stress factor is soil erosion and sediment buildup, or “embeddedness” in streams. This slows water flow, which smothers trout spawning areas and inhibits propagation.

Sedimentation, such as that which occurred in 1997 when high amounts of sediment were released into the river during repair and refurbishment of the Chasm Falls Hydroelectric Dam, have the potential to create long-term problems with the Salmon River fish habitat. Because the trout population has a significant recreational and economic value, solutions to the sediment problems need to be explored.

The following standards and implementation measures will be adhered to when evaluating future development:

- Avoid activities that would destroy or impair habitats through physical alteration, disturbance, or pollution, or indirectly affect the loss of habitat.
- Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts through appropriate mitigation.
- Wherever practical, enhance or restore designated habitats and sensitive habitats so as to foster their continued existence as natural systems.

6.3 Protect and restore freshwater wetlands and sensitive habitats.

The entire Salmon River and Branch Brook represent federal wetland areas. While the majority of designated freshwater wetlands exist in areas adjacent to Branch Brook, wetlands do occur in scattered locations along the banks of the Salmon River and associated surface waters throughout the area.

The following standards and implementation measures should be applied to projects impacting wetlands within the WRA:

- If trails or public access points are constructed as part of the LWRP and the Malone River Walk, measures must be taken to avoid wetland disturbance, water quality and streambank erosion. Adequate measures will be evaluated and implemented prior to commencing.
- Use the following management measures, which are presented in order of priority: (1) prevent the net loss of vegetated wetlands by avoiding fill or excavation; (2) minimize adverse impacts resulting from unavoidable fill, excavation or other activities; and (3) 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.
- Restore and enhance freshwater wetlands wherever practical to foster their continued existence as natural systems.

Policy 7 Protect and improve air quality in the waterfront area.

Air quality in Malone is exceptionally good. This policy provides for protection of the waterfront area from air pollution generated within the waterfront area or from outside the waterfront area which adversely affects air quality.

7.1 Control or abate existing and prevent new air pollution.

The following standards should be adhered to when evaluating future development:

- Limit pollution resulting from new or existing stationary air contamination sources consistent with applicable standards, plans and requirements.
- Limit actions, which directly or indirectly change transportation uses or operation resulting in increased pollution.

Policy 8 Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.

The intent of this policy is to protect Malone residents 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.

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

Many areas along the banks of the Salmon River have become dumping grounds for waste oil, salt and sand deposits, snow piles, and other materials.

The following guidelines are used to address these issues:

- Prohibit the dumping of any solid waste in the Waterfront Revitalization Area by private and public entities.
- Plan for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.
- Expand existing recycling policies and programs to accept more local recyclables.
- 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.
- Operate solid waste management facilities to prevent or reduce water, air and noise pollution and other conditions harmful to the public health.

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

The following guidelines are recommended to address these issues:

- Prevent release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources.
- Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides, particularly in agricultural lands.
- Take appropriate action to correct all unregulated releases of substances hazardous to the environment.
- Conduct inventory of existing point and non-point sources of pollution to the greatest possible.

8.3 Prevent and remediate discharge of petroleum products.

The following guidelines are recommended to address these issues:

- Minimize adverse impacts from potential oil spills by appropriate siting of petroleum loading facilities.
- Have adequate plans for prevention and control of petroleum discharges in place at any major petroleum-related facility.
- Prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.
- Clean up and remove any petroleum discharge, giving first priority to minimizing environmental damage.

PUBLIC WATERFRONT POLICIES

Policy 9 Provide for public access to, and recreational use of the waterway, public lands, and public resources of the waterfront area.

Existing public access and opportunities for recreation are inadequate to meet the needs of the residents of and visitors to Malone. Given the lack of adequate public access and recreation, especially along the banks of the Salmon River, this policy incorporates measures needed to provide and increase public access throughout the waterfront area. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. This policy calls for the community to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

9.1 Promote appropriate and adequate physical public access and recreation throughout the waterfront area.

Malone has identified parks at the Village Core (the area between Main Street, Duane Street, College Ave. and Pearl Street) as its first revitalization priority along the Salmon River. Conceptually, the Village Core is to become a walkable area connecting parks, cultural venues, small businesses, boutiques, restaurants, etc.

The following guidelines and implementation measures will be used to address these issues:

- Enhance and maintain existing public access and water-related recreation.
- Provide convenient, well-defined, physical public access to and along the shoreline for water-related recreation.
- Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, weather, accessibility, compatibility with on-site and adjacent land uses and needs of special groups.
- Provide additional physical public access and recreation facilities at public sites.
- Provide physical access and provide connections to recreation parks, pocket parks, and schools throughout the WRA.
- Require new uses and development in the WRA to provide public access to trails and boardwalks.
- Incorporate public access, where appropriate, into public projects, such as dams.
- Include physical public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit the public's use and enjoyment of public waterfront lands and waters.
- Provide incentives to private development which provides public access and/or water-related recreation facilities.
- Restrict public access and water-related recreation on public lands only where incompatible with public safety and protection of natural resources.
- Make certain physical improvements and perform regular maintenance of trails, including the clearing of debris and vegetative overgrowth from trails, and the implementation of erosion control measures.

9.2 Provide public visual access from public lands to waterfront lands and waters or open space at all sites where physically practical.

The following guidelines are recommended to address these issues:

- Avoid loss of existing visual access by limiting physical blockage by development or activities. Minimize adverse impact on visual access to the Salmon River by clearly assessing the impact as part of the site plan review or SEQR process before issuing any permits.
- Mitigate loss of visual access by providing for on-site visual access or additional and comparable visual access off-site.

- Improve visual access to the Salmon River in the downtown by providing additional public spaces that have such access.

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

There are no public trust lands in the WRA. The Salmon River is a non-navigable watercourse for most months of the year. Other water bodies in the WRA either do not have public access (Lake Titus), or have ample public access (Lamica Lake).

WORKING WATERFRONT POLICIES

Policy 10 Protect water-dependent uses and promote the siting of new water-dependent uses in suitable locations.

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote future siting of water-dependent uses at suitable locations. It is also the intent of this policy to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure for water-dependent uses and their efficient operation.

Water-dependent uses contribute to the economic health of the region and are identified in Section II. The most appropriate uses relate to the development or enhancement of parks and trails. Marinas, boat launches, and swimming areas are not appropriate to the Salmon River corridor.

10.1 Protect existing water-dependent uses.

Water dependent uses are defined as an activity which requires a location in, on, over, or adjacent to the water because such activity requires direct access to the water and the use of the water is an integral part of such activity. Actions that would adversely interfere with existing or potential water dependent uses should be avoided. There are presently no water dependent uses in the Village Core due to the hazardous nature of the Salmon River in this area. Water dependent uses outside the Village are primarily fly-fishing. Rotary Lake presently has water dependent uses that are limited to fishing and scenic value. Malone recognizes the need to provide improved facilities and access for water-dependent recreational uses such as fishing, hiking, bicycling and non-motorized boating in appropriate areas of the Salmon River. Within the Village Core, the river is the focal point for all pedestrians. Drawing pedestrians to the waterfront area and back through the Village Core is the main focus of the revitalization efforts.

The Town and Village seek to transform the Salmon River into a focal point for recreational activities that will generate business income from the local tourist trades. Key to this initiative is the revitalization of Malone's Downtown Business District. Recommendations should be aimed at developing a downtown business strategy that fosters community spirit and collaborative efforts within Malone's business community.

Standards to be used are as follows:

- Advance the adaptive reuse of underutilized buildings and encourage demolition of buildings that are beyond repair or are an eyesore to the community.
- Seek to attract a mix of unique, development that is enhanced by its location near or on the river and would have the potential to increase economic activity within the Village Core. Avoid actions which would displace, adversely impact or interfere with existing water-dependent uses.

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

- Site new facilities where there is: adequate upland for support facilities and services, sufficient waterside and landside access, appropriate depth, suitable water quality classification, minimization of effects on wetlands, or fish spawning grounds, and adequate water circulation.

Policy 11 Promote sustainable use of living freshwater resources.

Continued use of living resources depends on maintaining long-term health and abundance of fisheries resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires that State and local governmental entities strive toward active management of fisheries like the Salmon River and its tributaries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster occurrence and abundance of living freshwater resources. Allocation and use of the available resources must: (1) be consistent with the restoration and maintenance of healthy stocks and habitats, and (2) maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for recreational fisheries.

11.1 Ensure the long-term maintenance and health of living freshwater resources.

The following guidelines will be used to address these issues:

- Ensure that recreational uses of living freshwater resources are managed in a manner that: results in sustained useable abundance and diversity of the freshwater resource, does not interfere with population and habitat maintenance and restoration efforts, uses best available scientific information in managing the resources and minimizes waste and reduces discard mortality of freshwater fishery resources.
- Support the Salmon River Management Plan that calls for certain stocking limits and actions to protect the ability of the Salmon River to support an outstanding trout fishery.
- Monitor the spread of non-native plant and animal species in and around the Salmon River.

- Support the activities of the Adirondack Park Invasive Plant Program.
- Protect, manage and restore sustainable populations of indigenous fish, wildlife species and other living freshwater resources.
- Foster occurrence and abundance of freshwater resources by protecting spawning grounds, habitats and water quality and enhancing and restoring fish habitat.

11.2 Provide for recreational use of freshwater resources.

- Maximize the benefits of freshwater resources to provide a valuable recreational resource experience and viable business opportunities for recreational fisheries, particularly the sport of fly-fishing.
- Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups.
- Protect the public health and the marketability of fishery resources by maintaining and improving water quality.
- Support improved Public Access at the sites offering NYSDEC Public Fishing Rights. Analyze the points of access along the Salmon River and offer means of improving locational signage, parking, site interpretation and amenities.

Policy 12 Protect agricultural lands.

The intent of this policy is to conserve and protect agricultural land by discouraging the conversion of farmland to other uses and protecting existing and potential agricultural production. The loss of active agricultural land occurred primarily due to residential development, which has rapidly transformed the landscape from one dominated by agrarian uses and activities to one dominated by single-family residences. Protecting the remaining agricultural land is necessary to ensure preservation of the agricultural economy, farming heritage, open space, and scenic quality along the Salmon River. Agricultural lands exist to the south and north of the village along the Salmon River. These lands have the capacity to degrade the water quality of the corridor if improperly managed, but they also add significant value to the scenic viewshed and rural setting, making these areas attractive driving and bicycling corridors.

12.1 Protect existing agriculture and agricultural lands from conversion to other land uses.

- Protect existing agricultural use and production from adverse impacts due to: public infrastructure and facility development, creation of other conditions which are likely to lead to conversion of agricultural lands and environmental changes which are likely to reduce agricultural productivity or quality, including, but not limited to, quantitative and qualitative changes to groundwater resources.

- Provide sufficient buffering as part of new development located near agricultural land.
- Adopt the standards for the protection of remaining agricultural lands using resources such as the Farm Friendly Checklist published by the American Farmland Trust.

12.2 Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.

- Minimize encroachment of commercial, industrial, institutional or residential development on agricultural lands.
- Retain or incorporate opportunities for continuing agricultural use.
- Locate and arrange development to maximize protection of the highest quality agricultural land in large contiguous tracts for efficient farming.

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

In dealing with energy problems, 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.

13.1 Conserve energy resources.

- Plan and construct any development in the WRA using energy efficient design.

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

The Town of Malone adopted a local law in May 2006 entitled “Wind Energy Facilities” to be added to the Town Code. The Town Board adopted the law in order to promote effective and efficient use of the Town’s wind energy resource through Wind Energy Conversion Systems (WECS), without harming public health and safety, and to avoid jeopardizing the welfare of the residents (Local Law 1 of 2006). Through the local law, the Town issued some of the following findings:

- While wind energy is a potential abundant, renewable and nonpolluting energy resource of the Town its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources, however, the potential benefits must be balanced against potential impacts.

- The generation of electricity from properly sited small wind turbines can be a cost effective mechanism for reducing on-site electric costs, with a minimum of environmental impacts.
- Regulation of the siting and installation of wind turbines is necessary for protecting the health, safety, and welfare of neighboring property owners and the general public.
- Large-scale multiple-tower Wind Energy Facilities represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects.
- Large-scale Wind Energy Facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
- The Town has many scenic viewsheds, which would be negatively impacted by large-scale multiple-tower Wind Energy Facilities.
- In siting such facilities, avoid visual and physical interference with waterfront resources, including migratory birds, and coastal processes.

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

- Discourage the siting of major energy generating facilities, as they are an inappropriate use on the Salmon River.
- Site and construct new energy generating and transmission facilities so they do not adversely affect natural and economic waterfront resources.

13.4 Minimize adverse impacts from fuel storage facilities.

- Regional petroleum reserve facilities shall not be sited in the waterfront area.
- The production, storage or retention of petroleum products in earthen reservoirs should be prohibited.
- Protect natural resources by preparing and complying with an approved oil spill contingency plan.