

SECTION V

LOCAL TECHNIQUES FOR IMPLEMENTING THE PROGRAM

A. Local Laws and Regulations Necessary to Implement the LWRP.

1. Existing Local Laws and Regulations

There are several existing local laws and regulations to implement the LWRP, as follows:

a. Zoning Law

This is the primary local regulatory device controlling the manner in which land may be used, the intensity of such use, and the conditions of use.

Several categories of zoning are found in the LWRP Area. Area I, from the Grand View line south to the Tappan Zee marina is zoned for single family homes on lots of at least 1/4 acre. This area is about .4 miles in length, and is bounded on the west by Piermont Avenue.

Area II extends about .3 miles from the Tappan Zee marina to Parelli Park and along the north shoreline of the pier. The WF-2 Waterfront zoning district includes single family development and, by special permit, allows marinas, boatyards, clubs, wharves, docks and pilings, and accessory fuel, supplies and service facilities.

Areas III and IV are primarily zoned RD - Riverfront District, which permits residential and commercial uses. Up to 257 residences are permitted in this district, including 25 affordable rental units, and 44,000 square feet (external dimensions, not usable space) of commercial uses. Uses must not create excessive traffic flow, according to prescribed standards, and are allowed by special permit.

Area III includes part of the Business B-Retail Commercial District at the center of the Village, which allows single family homes on 7,500 square foot lots, retail and personal service businesses, offices, funeral parlors, art studios, art galleries and antique shops, restaurants, and public safety buildings.

A small area of Waterfront-2 zoning is found at the southeastern end of the pier. Most of this area is within the estuarine sanctuary and is not subject to development.

Much of the area along the south side of the Sparkill Creek to just west of the silk mill is zoned R-10, allowing single family homes on lots of at least 1/4 acre. The area north of the Creek along Piermont Avenue to just

west of the silk mill is zoned Business B, although much of it is developed residentially. A zone change which would allow existing commercial uses to continue as conforming uses, but which would prohibit increases in total plat square footage devoted to commercial use, is contemplated. The balance of the area along both sides of the Creek to the Village boundary is zoned R-7.5 allowing single family homes on lots of at least 7,500 square feet.

The balance of the area within the LWRP boundary, with one small exception, is zoned for single family homes on lots of 7,500, 10,000, 15,000 or 40,000 square foot minimum. The exception is a small area of Business B which is already developed with multi-family units in the Diplomat development.

The zoning law implements the policies concerned with encouraging water-dependent, and water-enhanced uses and those concerned with the reuse and revitalization of unproductive, inappropriate, deteriorated or abandoned uses (Policies 1,2,4,11,19,21,22).

b. Site Development Plan Regulations

These regulations are found within the Zoning Law, and require that all site development plans be approved by the Planning Board prior to the issuance of a building permit. The Village will develop uniform application standards and filing requirements for building permits and other approvals so as to lessen confusion.

Site Development Regulations are important to achieve several LWRP objectives: proper location of buildings to preserve vistas and views; appropriate location of development, especially on large scale developments, with respect to provision of access and utilities and supporting improvements, particularly parking; expediting permit procedures; activities undertaken in coastal erosion and flood hazard areas, controlling storm water runoff; minimizing non-point discharge into coastal waters; protection of wetlands, steep slopes or other sensitive environmental features.

c. Subdivision Regulations

These regulations adopted by local law, specify how land can be divided into separate lots. The regulations contain procedures for submitting plans; the manner in which streets and lots are to be laid out; how utilities are to be provided; and how drainage and road improvements are to be implemented.

Subdivision regulations serve to implement several LWRP policies, including: appropriate location of development with regard to public services and facilities; expediting permit procedures; activities undertaken in coastal erosion and flood hazard areas; controlling storm water runoff; minimizing non-point discharge into coastal areas; protection of wetlands, steep slopes; or other environmentally sensitive areas; and preservation of views.

d. Floodplain Regulations

These regulations were separately adopted by the Village Board, and regulate development within the Flood Hazard Area defined on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

The regulations help to implement LWRP policies concerned with prevention of flood damage to new development. The law implements the LWRP by assuring that "buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding ..." [Policy 11] and recommending that non-structural means to minimize damage to property from flooding include "the setback of buildings and structures ... and the floodproofing of buildings or their elevation above base flood level."

See also Policy 17

e. Critical Environmental Area Regulations

Adopted under the provisions of SEQR in 1985, three areas in Piermont were identified as being CEA's that are of exceptional or unique character, including (a) a benefit or threat to the public health or safety, (b) a natural setting, (c) a location having social, cultural, historic, archaeological, recreational or educational importance or (d) an inherent ecological, geological or hydrological sensitivity to change.

The three areas in Piermont identified as being exceptional and unique are: the Palisades slope, the Sparkill Creek, and the Pier. (see Figure 6)

The Critical Environmental Areas Law of the Village of Piermont includes the following provisions:

- (1) All actions within the CEA shall be deemed Type 1 unless excluded by paragraph 3 below.

- (2) All Type 1 actions shall require the filing of a long Environmental Assessment Form (EAF).
- (3) Excluded actions in connection with residential development or use include: uses permitted by right involving not more than four dwelling units; area variances involving not more than four dwelling units; construction or installation of minor structures accessory to residential uses; actions designated as Type 2 in Section 617.13 of SEQR.

These regulations help to implement several LWRP policies, including the protection of significant coastal fish and wildlife habitats; siting of buildings to minimize damage to property and the endangering of human lives caused by flooding and erosion; minimizing damage to natural resources from flooding and erosion; protect, maintain and increase access to water-related resources and facilities; protection of historic or archeological sites or structures; prevent the impairment of scenic resources; protection of tidal and freshwater wetlands. The entire village is now a CEA.

f. Architectural Review Commission

The Piermont Historic Preservation and Landmarks Ordinance provides the vehicle for identifying and protecting structures of architectural or historic merit, but so far only the drawbridge over the Sparkill Creek has been so designated. In 1984, the newly-formed Village Architectural Review Commission began a survey starting with the northern end of the Village. The Commission noted 52 significant architectural and historic sites just between the Silk Mill dam at the tidal limit of the Sparkill Creek and the Onderdonk House a little north of the commercial waterfront, including several 18th century structures with roles in the American Revolution and many 19th century buildings. These, and other sites, were incorporated into "The Piermont Walking Guide and Shopping Directory," published by the Piermont Civic Association and included in the reference material with the LWRP.

In June 1985, a residence along the tidal Sparkill Creek, constructed during the 18th century, was listed on the National Historic Register of Historic Places. Many other structures in the Village merit this designation. In order to preserve at least the outward appearance of such historic buildings, the Village may determine to create a historic district. In order to further the goal of preservation of exteriors, it would be advisable to reconstitute the Architectural Review Commission as a board.

This Village agency was established to formalize an on-going effort to identify buildings, structures and sites of local architectural, historic, or social importance. The Commission has substantially completed an inventory of Village resources. The next step will be to establish, through a local law, the procedure for formal designation of those buildings, structures or sites deemed worthy.

g. Harbor Management Commission

The Village established a formal harbor management program with a Harbor Advisory Commission drawn from interested groups and individuals. It will be the objective of this Commission to promote the survival and expansion of water dependent uses of the Village shoreline. The local law establishing this program was adopted in 1986. In summary, the Commission has several responsibilities in the harbor:

- i. develop detailed site plans for LWRP projects, including engineering and cost proposals;
- ii. consult with and advise the Board of Trustees on operation of watercraft; construction of marine structures and dredging; mooring of vessels; pollution; ecology; recreational activities;
- iii. recommend long range plans;
- iv. recommend adoption of regulations or taking other official actions
- v. recommend whether the Village should support or oppose applications to U.S. Army Corps of Engineers or New York State Department of Environmental Conservation;
- vi. consult with Chief of Police and Fire Chief on matters of public safety;
- vii. review development applications as referred by Village agencies and to make recommendations;
- viii. maintain liaison with other governmental agencies;
- ix. submit an annual report;
- x. assist individuals in making application to government agencies.

2. Additional Local Laws and Regulations Adopted

a. Zoning Law

Several zoning changes have been made to implement the LWRP objectives:

- i. The end of Paradise Avenue has been rezoned from Business B to R7.5, to recognize the residential character of the area and to protect the adjacent estuarine sanctuary.
- ii. A new Riverfront District (RD) has been created for the former industrial site developed by the Carlyle Piermont Corporation.
- iii. Any reuse or redevelopment of the former Clevepak and federal properties shall provide continuous pedestrian access via a promenade along the north boundary of the pier.
- iv. Coastal erosion protection is required to be included in site plans for all buildings on the water.
- v. Zoning districts and geographic areas have been in which there are incentives for provision of public access or maintenance of views.

b. Site Development Plan Regulations

The Site Development Plan regulations have been amended to more fully set forth requirements intended to implement the LWRP. These include:

- i. Specific reference to preserving existing vistas and views toward the Hudson River and the Sparkill Creek.
- ii. Specific reference to creating vistas and views toward the Hudson River and the Sparkill Creek.
- iii. Specific provisions directed toward retaining access to the Hudson River and Sparkill Creek.
- iv. Specific provisions directed toward providing access to the Hudson River and Sparkill Creek.

v. Specific provisions directed toward integrating new large scale developments, especially on the pier, into the fabric of the Village, and encouraging mixes of uses, parking, and access.

c. Stream Control Regulations

Legislation has been developed for regulation of the Sparkill Creek by the Village under New York State Village Law Section 4-412-3(1) to minimize flooding, erosion and siltation.

d. Slope Development Regulations

The Village has developed legislation to control development on slopes. This control takes the following form: the square footage of a property that can be disturbed shall be limited according to the size of the property, the steepness of the overall slope, and the proximity of construction to cliffs. The square foot limitation is designed to avoid erosion and drainage hazards, while not depriving the owner of reasonable use. Further, to avoid artificial inequities, square footage allowed should be continuous with slope and with size of property. Finally, land that has been clear-cut or otherwise disturbed prior to application to the Planning Board can be included in the list of already disturbed areas by the Planning Board. The extent of disturbed footage so determined by the Planning Board will be based on the current degree of disturbance. For example, 10,000 square feet of clear-cut land that has partly revegetated might be counted as 5,000 square feet of disturbed land.

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

1. Local Government Actions Necessary to Implement LWRP

a. Acquire parking

One of the objectives of the LWRP is to obtain for public use the westernmost Clevepak parking lot. It is anticipated that this will be achieved as part of any development approval.

b. Limit additional upstream runoff

Through careful monitoring of upstream policies and developments, and through adoption of local regulations if necessary, the Village will make an effort to influence and control upstream runoff.

c. Review National Flood Insurance Program

After completion of the LWRP, the Board of Trustees will examine the value of this program to the Village and its residents, and will formulate recommended amendments or modifications which will be forwarded to elected representatives for review.

d. Construct tennis courts at Goswick Pavilion

This activity will be undertaken by the Village as funds become available.

e. Designate Scolaro Park

This small picnic area at the easterly end of the pier is expected to be designated as a Village park prior to adoption of the LWRP. The ownership of the site appears to be in the hands of the New York State Department of Environmental Conservation; discussions are underway between the Village and Department of Environmental Conservation.

f. Rectify Village boundaries

Rectify Village boundaries so that the Village line includes Hudson River lands now outside the Village. The Village will request funding from New York State Department of State for any necessary title surveys, searches, and engineering survey costs.

g. Designate Village land on pier as parkland

Zone all Village-owned land on the Pier, including the foreshore on the north side of the former industrial site, Scolero Park at the end of the Pier and the Goswick Pavilion, to reflect their existing recreational use.

h. The Riverside Viewshed Park

The Riverside Viewshed Park is proposed as a project furthering the goals of the Tappan Zee Scenic District. It is designed to preserve the open views to and from the Hudson's west bank that we now enjoy. The rules setting up the park facilitate the permanent protection of views. The park will not create public access where such access does not now exist. One should think of the TZVP as a mechanism for creating an entity analogous to a "forever wild" watershed, or viewshed.

An outline of some rules and operating principles for the TZVP are presented below. Some of the ideas require legal research and

verification. All these ideas are to be regarded as merely a draft proposal; the whole plan will be improved as it is worked on by a committee of broader expertise and experience.

Rules and Operations of the Tappan Zee Viewshed Park

I. Governance and Legitimacy.

Each municipality participating in the Tappan Zee Scenic District may, at its own discretion, create a Local Viewshed Park and a Local Viewshed Park Board, under its powers in N.Y. State Village or Town Law, and pursuant to the goals of the Tappan Zee Scenic District. These municipalities, acting in coordination, shall set up a consultative body, the Tappan Zee Viewshed Park Council, and shall appoint delegates to it.

II. Local Designations.

Each municipality, or its Local Viewshed Park Board, shall designate those portions of its riverine territory eligible for inclusion in its Local Viewshed Park.

III. Land Acquisition.

Shoreline property owners in the designated areas will be permitted to make a deed or gift of a narrow strip of riverine land, from mean high tide mark to some short distance inland, extending parallel to the shore, whether with underwater, surface, and riparian rights extending outward from the strip.

A. The conditions of the transfer are as follows:

- 1. In all cases, after transfer, the Local Viewshed Park Board shall covenant the deed to prohibit any construction by the Board or by any due course holder. Also, the covenant will ban any access not now provided by general law on riparian rights.**
- 2. The donor, or the owner in due course of the adjoining upland parcel, shall receive an easement permitting access to and over the deeded property. That owner shall have no right to place any structure on that property, except as provided in 3. of this section.**
- 3. There shall be an easement permitting the owner of the upland property to build and maintain bulkheads and seawalls to protect the upland property. The Local Viewshed Park shall have no responsibility to build or maintain such structures. The owner of**

the upland parcel shall also have the right to build and maintain dock structures for personal use. The size, extent, and appearance of these structures will be limited by general rules, previously formulated by the Local Viewshed Park Board, and specifications pursuant to these rules shall be incorporated in the deed.

4. In case the above conditions are violated, or the covenants in the deeds are voided, the deeds of gift shall be nullified and the deeded properties revert to the owner in due course of the adjacent upland properties.
5. The value of the gift shall be assessed by the Local Viewshed Park Board or its agents, and certified to the donor.

IV. Viewshed Easement Acquisition

This possibility is less radical than that envisioned in III, above. Here, the owner gives the Riverside Park Authority an easement prohibiting visually intrusive construction on the owner's underwater rights.

A. The conditions of the easement are:

1. In areas not zoned for commercial marinas, no structure shall be built larger or more intrusive than a usual private dock or pier.
2. In no areas, larger or more intrusive than a commercial dock or pier of a kind now in Piermont.

Incentives to Owners

Incentives for property owners to donate lands to the Local Viewshed Park include the following:

1. **Altruism.** The owner will have protected his or her portion of the view for everyone, for the foreseeable future.
2. **No personal sacrifice.** In most areas that are designated as eligible sections of the Local Viewshed Park, the owner will give up no right now enjoyed. Additionally, the Local Viewshed Park imposes no burden of unwelcome use upon its neighbor, the donor.
3. **Income Tax.** The assessed value of the deed of gift certified to by the Local Viewshed Park Board may be used to claim a charitable

donation for Federal and State tax purposes. For a donor in the top Federal bracket of 38% and N.Y. State bracket of 12.5%, this may be substantial.

4. **Property Tax.** The Orangetown assessed value of the remaining upland property should be reduced by precisely the assessed value of the severed coastal property, since both assessments are at 100% of market value.
5. **Secure enjoyment.** It is much more difficult, politically and legally, for a State agency to confiscate dedicated parkland than to confiscate private property. This will serve to protect the riverine homeowner's littoral, the homeowner's house and grounds adjoining the littoral, and homeowner's entire community.

Costs to Municipalities

The costs to participating municipalities will be quite low, consisting of the cost of providing occasional office space and secretarial service to the Local Viewshed Park Board and to the Viewshed Park Council, legal costs for developing a model deed of gift, filing and legal costs for each transfer, and the cost of each assessment.

Should a State agency ever attempt to acquire a section of the littoral by eminent domain, the affected municipality would incur the legal costs involved in fighting such an action. At present, the legal contest would be between the State agency and the homeowner; and the municipality would have no standing in the case. The advantage of having the municipality enter the fray with legal rights stronger than those of the homeowner are an advantage to the entire community.

2. Other Government Actions Necessary to Implement the LWRP

a. Dredge, mark and maintain channel

This activity is intended to be undertaken by the U.S. Army Corps of Engineers and the U.S. Coast Guard as a comprehensive project in the Village.

b. Remove navigation hazards

This one-time activity is intended to be undertaken by the U.S. Army Corps of Engineers, the U.S. Coast Guard and/or the New York State Department of Environmental Conservation.

c. Convert drawbridge to footbridge with arch for boats

This activity will be undertaken once a funding source has been successfully identified and after the Army Bridge is replaced, since the arch will connect to the replacement roadway.

d. Construct Village Landing

This is a high priority activity and may be carried out in one of several ways: by private developers as part of the pier redevelopment; by a private-public partnership; with pre-construction funding from the NYSDOS.

e. Construct dolphins or breakwater

This is a high priority activity and is to be undertaken as part of several other activities, i.e., the dredging and maintaining of the channel, and the construction of the Village landing. While the funding source of this activity has not been determined, it may be a combination of public and private sources, including those public agencies with an interest in and responsibility for boating and navigation, and by private interests in the boatyard and marina industry. It is anticipated that the Harbor Commission will coordinate this effort.

f. Potential harbor of refuge site

While there is a substantial amount of recreational boating on the Tappan Zee, there is no Coast Guard officially designated "harbor of refuge." As a primarily safety related feature, its construction and maintenance should be the responsibility of the U.S. Coast Guard if, after investigation, it is found to be feasible.

g. Clean debris from Sparkill Creek

In order to improve the flow of the stream and eliminate blockages, the Sparkill Creek needs to undergo a thorough cleaning, and then to be maintained periodically. This should be a responsibility of the Town of Orangetown.

h. Limit additional upstream runoff

The Town of Orangetown and the upstream New Jersey communities have the primary legal authority to control upstream runoff, utilizing best management practices during construction and providing for post-

construction handling of runoff. This action is necessary to eliminate the addition of soil to the stream caused by careless construction practices, and to control the rate of flow and volume of water entering the stream. The Village is asserting its authority to regulate upstream runoff through the provisions of the General Municipal Law and the application of Critical Environmental Areas legislation, both directed toward off site actions which impact on the Creek.

i. Extend sewer outfall

This action is necessary to ensure that sewer plant effluent is discharged at a point further into the river, to decrease the incidence of effluent finding its way back into the mouth of the Creek and into the marsh, and possibly reduce Piermont Bay siltation.

j. Extend the Critical Environmental Areas

1. Clausland Slope Critical Environmental Area The boundary shall be the center-line of the existing Conrail track from the Orangetown border to the point where the center-line reaches Tate Ave. and Main St., along the west side of Main St. - Piermont Ave. to the Grandview border, westerly along the north border of Piermont to the west border, then southerly along the west border to the south border, continuing along the Orangetown border to the starting point.
2. Erie Pier Peninsula and Waterfront Critical Environmental Area. All land and water areas within Piermont which lie north of the Main St. Conrail crossing and east of Main St. - Piermont Ave. from that point north to the Grandview line shall be adjoined to the existing Erie Pier Peninsula Critical Environmental Area and given the name in 2.
3. Sparkill Creek Critical Environmental Area. This area shall consist of land and water not in the first two areas.

The environmental justification of these areas under the State law is the same as that for these areas with their original boundaries.

The circumstances under which an action in these areas shall be considered Type 1, mandating a SEQRA review shall be the same as before. However, in the Clausland Slope Critical Environmental Area, additional triggering criteria should be

established related to earth movement, removal of trees and ground cover, and creation of impermeable surfaces.

k. Construct canoe launch on Creek

This activity is also of high priority, and is of minimal cost. It is anticipated that the Palisades Interstate Park Commission or the NYSDEC would have complete, or almost complete, responsibility and jurisdiction for this activity.

l. Construct boat launch at Village Landing

This high priority activity is expected to be undertaken as part of the entire Village Landing proposal. It is anticipated that a combination of public and private support will be needed, and that funds will be sought from the NYSDOS for pre-construction costs such as project and site planning; engineering; feasibility and environmental analyses. See also item 2.d. above.

m. Construct walkway along north side of pier

This is a high priority project, but may be undertaken in one of two different ways. If a source of public funding is available, the activity can be undertaken in the near future. If such a source cannot be found, this activity would be undertaken as part of the revitalization of the Clevepak and Federal properties.

n. Place Moore/Ferdon Mill site marker

The placement of such an historical marker is of nominal cost, and an invitation will be extended to the Town of Orangetown and the Spring Valley Water Company, on whose property the site is located, to underwrite the cost. If these sources decline, the NYS Historical Association will be asked for funding. As a last resort, the Village would fund this activity.

o. Place Erie Railroad marker

This activity of nominal cost, is one that the Village will request be funded by the NYS Historical Association.

3. Private Actions Necessary to Implement the LWRP

Several of the actions necessary to implement the LWRP have been identified above as being possibly joint public-private activities. These are noted in a. below, with activities not previously mentioned following.

a. Acquire parking

Construct Village Landing
Construct dolphins or breakwater
Construct boat launch at Village Landing
Construct walkway along north side of pier
Create Riverside Viewshed Park

b. Site for new boat basin/marina

It is expected that private development of this facility will come about as part of the overall revitalization effort of the waterfront of the Village. Any financial or technical assistance, such as support for IDA financing, that the Village can assist in providing, will be made available.

c. Repair bulkheads and seawalls

This is an activity that must be undertaken by individual owners. At the present time, some properties are more in need of restorative work than others. One of the functions of the Harbor Advisory Commission will be to monitor the condition of bulkheads and seawalls and to advise and assist owners to obtain all necessary permits to properly maintain these essential facilities. The bulkhead on the north shore to the pier, which is on Village property, will be rebuilt by Carlyle.

d. Review fine schedule for illegal parking on the pier for effectiveness in enforcing the permit system.

C. Management Structure Necessary to Implement the LWRP

1. The Chairman of the Harbor Advisory Commission is the local official responsible for the LWRP.
2. Specific Responsibilities for Implementation and Management - all Village boards, commissions and staff retain their present responsibilities. The Harbor Advisory Commission will exercise its advisory capacity to review and make recommendations to the Village Board on any matters within its jurisdiction.

The Harbor Advisory Commission has the authority to develop detailed site plans for projects identified in the LWRP.

The Planning Board will continue to review and approve any site or subdivision plans or proposals within the coastal area, including the review of uses affecting tidal and freshwater wetlands.

The Village Board has the authority to approve and fund (or secure funding for) specific improvements necessary to implement the LWRP.

The Harbor Advisory Commission will consult with other Village agencies on all appropriate matters relating to conservation, development or regulations in the Waterfront Revitalization Area and where appropriate make recommendations to responsible agencies to assure consistency with the LWRP.

- 3. Procedures to Assure Local Actions Comply with LWRP-Any agency, private group or individual proposing an action within the coastal area will be asked to refer the proposal to appropriate agencies to ensure that the Harbor Advisory Commission has an opportunity to review the proposed action. This procedure will assist the Commission to determine whether or not proposed actions are consistent with the Village's coastal policies as presented in the LWRP. Actions that are consistent with the LWRP will be recommended to the Planning Board, Board of Appeals and/or Village Board or other responsible agency for approval and those that are inconsistent will be so indicated and recommended for modification or disapproval unless:**
 - a. No reasonable alternatives exist that would avoid or overcome any substantial hindrance to the achievement of such policies;**
 - b. The action will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and**
 - c. The action will advance one or more of the other coastal policies; and**
 - d. The action will result in an overriding local, regional or statewide public benefit.**

Each Village agency, including the Village Board, has been issued a copy of the LWRP is will be instructed to refer all development, regulatory, review or public improvement actions within or affecting the coastal zone to the Harbor Advisory Commission.

The Harbor Advisory Commission will review actions for consistency with the LWRP and comment to the initiating agency within a designated period (approx-

mately 30 days - short enough not to impede action, but long enough for the Commission to receive and consider necessary information).

4. Procedures to Review State Actions for Consistency with LWRP

a. Notification Procedure

- 1. When a State agency is considering an action as described in '3' above, the State agency shall notify the Harbor Advisory Commission.**
- 2. Notification of a proposed action by a State agency:**
 - i. Shall fully describe the nature and location of the action;**
 - ii. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government;**
 - iii. Should be provided to the chairman of the Harbor Advisory Commission as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action.**
- 3. If the proposed action will require the preparation of a draft environmental impact statement, the Village shall be advised as early in the process as possible and will be a participant in mandatory scoping sessions. This participation shall serve as the State agency's notification to the local government.**

b. Local Government Review Procedure

- 1. Upon receipt of notification from a state agency, the Commission will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP.**
- 2. If the Commission cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the Village's finding, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.**

3. If the Commission does not notify the State agency in writing of its finding within the established review period, the State agency may then presume that the proposed action does not conflict with the policies and purposes of the Village's approved LWRP.
4. If the Commission notifies the State agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the State agency shall not proceed with the action for a period of 90 days or until the identified conflicts have been resolved. The Village shall forward a copy of the identified conflicts to the Secretary of State at the time when the State agency is notified. In notifying the State agency, the Village shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

c. Resolution of Conflicts

1. The following procedure applies whenever the Village has notified the Secretary of State and State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
 - i. Upon receipt of notification from the Village Board, under the advisement of the Harbor Advisory Commission, that a proposed action conflicts with the approved LWRP, the State agency should contact the local LWRP official (the Chairman of the Harbor Advisory Commission) to discuss the content of the identified conflicts and the means for resolving them. A meeting of the State agency and the Harbor Advisory Commission may be necessary to discuss the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government. The Harbor Advisory Commission shall report back to the Village Board for approval of any proposed resolutions.
 - ii. If the discussion between the Harbor Advisory Commission and the state agency results in the resolution of the identified conflicts, the State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600. The Village Board, under the advisement of the Harbor Advisory Commission, shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved.

- iii. If the Village Board and the State agency cannot resolve the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the State agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- iv. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the State agency and local government.
- v. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
- vi. The State agency shall not proceed with the proposed action until either the Secretary's findings and recommendations have been received or, 90 days from the date a notification of a conflict was received from the local government.

D. Summary Chart of Actions Implementing Policies

Policy 1 Implemented or Enforced by:

- Environmental Quality Review Regulations
- Zoning Law with modifications to encourage water-dependent/water-enhanced uses and industrial performance standards
- Community Development, IDA, or similar financing of water-dependent/water related economic development activities
- Public and private restoration of bulkheading
- Private development of a marina; referendum on marina
- Development of public marina facilities, fishing and walking areas along the north side of the pier
- Use of site plan review authority to achieve maximum site development standards

Policy 2 Implemented or Enforced by:

- **Environmental Quality Review Regulations**
- **Zoning Law with modification to encourage water-dependent/water-related uses along river, and to reflect residential development along Sparkill Creek**
- **Community Development, IDA or similar financing of water-dependent/water-related economic development activities**
- **Referendum as Village water-rights marina**

Policy 3 Not Applicable

- Policy 4**
- **Private Development of marina/boat basin along north side of Pier**
 - **Zoning Law with modifications noted in Policy 1**
 - **Community Development or IDA or similar financing of water-dependent/water-related economic development activities**
 - **Development of Village Landing at Parelli Park; with prospective facilities for commercial fisherman, recreation boaters, and pedestrians**

- Policy 5**
- **Zoning Law with modifications noted in Policy 1, and establishment of lowest density residential zones on the Village-owned parkland at the end of the Pier and residential zone on the Creek at the end of Paradise Avenue.**
 - **Use of Community Development and IDA funds in the coastal area to finance water-dependent/water-related economic development activities**

- Policy 6**
- **Assign responsibility for coordinating and reviewing overall coastal area development to the Harbor Advisory Commission**
 - **Make all agencies aware of LWRP and consistently review procedures as basis of expediting review**

- Policy 7**
- **Environmental Quality Review Regulations**
 - **Critical Environmental Areas Regulations**
 - **Protection of marsh and estuary through public education, governmental regulations**

- Policy 8**
- **Environmental Quality Review Regulations**
 - **Review of proposals through land use permitting procedures included in Zoning Law and site plan regulations**
 - **Examine possibility of enactment of legislation forcing adequate maintenance of the sewage outfall line**

- Policy 9 -- Provide walkway along north side of Pier
 -- Install canoe launch ramp along Sparkill Creek
- Policy 10 -- Zoning Law modifications noted in Policy 1 including
 provisions for limited accommodation of commercial fishing craft
 near Parelli Park
 -- Use of Community Development and IDA funds to encourage
 marina and fishing facilities as part of economic development
 program
 -- Sponsor annual shad festival.
- Policy 11 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 12 -- Environmental Quality Review Regulations
 -- Critical Environmental Area Regulations
 -- Site Plan and Subdivision Regulations
- Policy 13 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 14 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 15 -- Environmental Quality Review Regulations
- Policy 16 -- Environmental Quality Review Regulations
 -- Site Plan and Subdivision Regulations
- Policy 17 -- Environmental Quality Review Regulations
 -- Site Plan Subdivision Regulations
 -- Zoning Law
- Policy 18 -- Same as Policy 17
 -- Obtain legislative extension of the Village boundary
 -- Enact speed, noise, and sanitary regulations for craft
- Policy 19 -- Development of public and private marina facilities
 -- Public and private improvements to access to the river from the
 Pier
 -- Provide launching ramp at end of Pier
 -- Provide launching ramp along Sparkill Creek
 -- Construct Village Landing
 -- Dedicate Village owned land on the Pier as parkland

- Modify local laws on traffic generation and parking to make public use requirements for traffic and parking the same as those for commercial uses
- Policy 20 -- Same as Policy 19
- Policy 21 -- Environmental Quality Review Regulations
- Zoning Law modifications to encourage water-dependent/water related uses
- Raise Ferry Road (done)
- Also same as Policy 19
- Designate picnic area near end of Pier as Scolaro Park
- Policy 22 -- Zoning Law
- Site Plan and Subdivision Regulations
- Policy 23 -- Environmental Quality Review Regulations
- Landmarks Preservation effort of the Architectural Review Commission
- Place marker at Moore/Ferdon mill site
- Place marker recognizing role of Erie RR in history of Village
- Policy 24 -- Not Applicable
- Policy 25 -- Designation of architecturally and historically important buildings
- Enact Riverside Viewshed Park Legislation
- Communicate with Historic Preservative Office regarding boundaries of Drawbridge historic site
- Enact local law remapping boundary between Kane Park and Ferdon Avenue
- Explore possibility of regulations by law of broken sewer outfall line
- Policy 26 -- Not Applicable
- Policy 27 -- Not Applicable
- Policy 28 -- Environmental Quality Review Regulations
- Construct dolphins or breakwaters
- Policy 29 -- Not Applicable
- Policy 30 -- Environmental Quality Review Regulations
- Zoning Law, including industrial performance standards

- Local Law Regulating Noise (Done)
- Extend Sewer Outfalls
- Require Clean-up of Clevepak and Federal Properties (the underground storage tanks formerly located on the Federal/Feder property have been removed at the direction of the Village). (Done)
- Explore possibility of regulations by law of broken sewer outfall line, and of lawsuit.

- Policy 31 -- Site Plan and Subdivision Regulations

- Policy 33 -- Environmental Quality Review Regulations
- Site Plan Subdivision Regulations of the Village and upstream communities
- Zoning Law
- Clean Sparkill Creek of debris

- Policy 34 -- Pump out facilities will be required for new marinas/boat basins

- Policy 35 -- Controlled by Coast Guard permitting

- Policy 36 -- Environmental Quality Review Regulations
- Zoning Standards Law, including industrial performance
- Site Plan and Subdivision Regulations

- Policy 37 -- Same as Policy 33

- Policy 38 -- Environmental Quality Review Regulations
- Site Plan and Subdivision Regulations
- Policy 39 -- Environmental Quality Review Regulations
- Zoning Law

- Policy 40 -- Environmental Quality Review Regulations
- Zoning Law, including industrial performance standards

- Policy 41 -- Same as Policy 40

- Policy 42 -- Not Applicable

- Policy 43 -- Same as Policy 40

- Policy 44 -- Environmental Quality Review Regulations
- Zoning Law
- Site Plan and Subdivision Regulations