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State Coastal Policies Not Applicable to the Local Waterfront Area

The following State Coastal Policies have been determined to be not applicable to the local waterfront area of the Village of Sackets Harbor:

Policy	3	Major Ports	37
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*Federal agencies should refer to the New York State Coastal Management Program and Final Environmental Impact Statement for the text of this policy. In addition, the text has been included in Appendix B.

SECTION III -- WATERFRONT REVITALIZATION PROGRAM POLICIES

DEVELOPMENT POLICIES

- POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.
- Policy 1A Restore, revitalize and redevelop the core area for commercial, cultural, residential, recreational, and other compatible uses.
- Policy 1B Support the unified development of the Madison Barracks complex.
- Policy 1C Maintain and improve publicly-owned lands and buildings to improve the atmosphere for private investment.
- Policy 1D Promote the maintenance and improvement of housing stock throughout the village waterfront area.

Explanation of Policies

All government agencies (local, State and federal) must ensure that their actions further the revitalization of the village waterfront area. The transfer and/or purchase of property; the construction of a recreational facility, office building, road or park; revision of the zoning law; the provision of tax incentives, grants, or loan subsidies; establishment of an urban cultural park or a waterfront revitalization program are all examples of governmental actions for spurring economic development. When any such action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

The revitalization of the once dynamic waterfront is a most effective means for encouraging economic growth without consuming valuable inland open space. Redevelopment of the existing waterfront area is less costly than providing public services to areas not previously developed (see Policy 5). In view of the historic setting of the waterfront, redevelopment efforts must be scrutinized for their compatibility with surrounding sites (see Policies 23, 24 and 25). Special consideration must be given to expanding public access through the redevelopment process in this waterfront program (see Policy 19).

In addition to the opportunities in the core area, Madison Barracks has major potential for redevelopment. Any proposal for redevelopment of Madison Barracks shall be particularly reviewed for a unified use of the entire site, as well as its compatibility with adjoining areas.

To encourage the improvement of privately-owned parcels, the village must first maintain and improve its own publicly-held properties (e.g., the Sacket House, the village barn, Chapin Alley). The village will seek outside sources of funding for these improvements.

Redevelopment of the waterfront is expected to be effective in rejuvenating and stabilizing the residential areas adjacent to the waterfront redevelopment area. The village will encourage a combination

of public and private investment to improve the existing housing stock, not only in the core area, but in outlying areas such as Boulton's Beach.

When a direct federal, State or local government action is proposed which will impact a waterfront area identified as suitable for development or re-development, the following guidelines will be used:

- a. Priority should be given to uses which are dependent on a location adjacent to the water;
- b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable tourism development;
- c. The action should serve as a catalyst to private investment in the area;
- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, the historic district amendments to the village zoning law will require rehabilitation and new construction to be compatible with historic architecture and archaeological sites;
- e. The action must lead to development which is compatible with the character of the area as required by the zoning law, with consideration given to scale, architectural style, density, and intensity of use;
- f. The action should have the potential to improve the existing economic base of the community, and at a minimum, must not jeopardize this base. For example, waterfront development meant to serve industrial needs would be inappropriate in an area where no increased industrial demands were expected and existing development was already meeting demand;
- g. The action should improve adjacent and upland views of the water, and, at a minimum must not affect these views in an insensitive manner;
- h. The action should improve the potential for multiple uses of the site.

If a State, federal, or local government action is proposed to take place outside of a given deteriorated, underutilized waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

POLICY 2 FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

Policy 2A Encourage development of the core area harborfront in accordance with a unified harborfront development and harbor management plan.

Explanation of Policies

There is a finite amount of waterfront space suitable for development purposes. Although demand for a specific piece of property will vary with economic and social conditions on both a village-wide and State-wide basis, long-term expectations are for increased demand for waterfront property.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the village, government agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, government agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following uses and facilities are considered water-dependent.

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, hunting, trapping and boating);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, hunting and trapping);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short- and long-term storage facilities);
4. Structures needed for navigational purposes (for example: dams and lighthouses);
5. Flood and erosion protection structures (for example: breakwaters and bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses requiring large quantities of water for processing and cooling purposes (for example: fish processing plants);
8. Scientific/educational activities which, by their nature, require access to coastal waters (for example: water resource nature centers, submerged archaeological sites); and

9. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent uses, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

Along with encouraging water-dependent harborfront development, the village will work towards the creation of a unified harborfront development and harbor management plan. This plan is needed to control potential development in the small, intensely used harbor area.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront (e.g., parks, restaurants, hotels and other tourism accommodations). Targeted areas for expansion or new development of such uses include Madison Barracks, the core area, and the area southwest of Battlefield State Park.

If there is no immediate demand for a water-dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered preferable to a non-water-dependent use which involves an irreversible, or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses of facilities which would likely be considered as "temporary," non-water-dependent uses.

Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. Therefore, the village will only promote development which is within or adjacent to a built-up area and does not catalyze sprawl into unserved areas.

In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors: (a) the availability of public sewers, public water lines and adequate power supply and (b) vehicular and air travel access if tourism is to be accommodated.

Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Water-dependent uses must also be sited so as to avoid adverse impacts on Horse Island and its surrounding waters. Affirmatively, all government agencies are encouraged to promote water-dependent development which will complement the historic resources and community character in the village core area, near the Battlefield State Park and within Madison Barracks.

A primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State agencies and the village should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

In promoting water-dependent uses, the following kinds of actions should be considered:

1. Favored treatment to water-dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, and public transportation within areas suitable for water-dependent uses.
2. When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to water-dependent uses, especially those sponsored by community groups when possible through outside assistance.
3. Where possible, consideration should be given to providing water-dependent uses with grants, loan guarantees, or loans at below market rates. Local actions, including property tax abatements and tax increment financing should be considered.
4. State and local planning and economic development agencies should actively promote water-dependent uses. In addition, a list of sites available for non-water-dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local, State and federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses. This effort should begin with a memorandum of understanding between the village, NYS Department of Environmental Conservation, and the Army Corps of Engineers regarding the limits of piers, moorings, etc. and, conversely, maintenance of a navigational channel (in keeping with their respective authorities).
6. Local land use controls should be considered as a tool of local government for assuring adequate space for the development of water-dependent uses and the protection of sensitive areas.

POLICY 3 NOT APPLICABLE

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

Explanation Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of local, State and federal agencies shall center on promoting such desirable activities as recreational boating and fishing, public access sites, marinas, historic preservation, cultural pursuits, and other compatible activities which have made Sackets Harbor appealing as a tourist destination in both its commercial and residential areas. Particular consideration will be given to the visual appeal, history and recreational benefits of the village's harbor which, in turn, can make significant contributions to the State's tourism industry.

Because recreational boating and its related businesses are the major activities in the harbor (upon which the local economy is based), these uses will be protected and encouraged. New developments will be reviewed for any potential conflicts with these uses (the need for an overall harbor development plan has already been noted under Policy 2A). In addition, existing public access areas and boat launch ramps along the harbor must be maintained if recreational boating is to thrive here (see Policies 19 and 20 for public access provisions).

The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely effect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community, e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism.
6. The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.

Policy 5A Encourage compatible development to locate in the historic village core area where public facilities are adequate.

Policy 5B Encourage development which would not be suitable in the historic area to locate southwest of the core area, in close proximity to streets, sewer lines, and water supply.

Explanation of Policies

Through governmental actions, development in the waterfront area will be encouraged to locate within or in close proximity to existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policies are intended to accomplish the following:

- strengthen existing residential and commercial centers; foster an orderly pattern of growth where outward expansion is occurring;
- increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- preserve open space in sufficient amounts; and
- where desirable, foster energy conservation by encouraging proximity between home, work, and leisure activities.

In Sackets Harbor, the area of concentrated development, where infrastructure and public services are adequate, is well defined. Aside from dead-end roads leading to seasonal cottage communities, the road network is most developed in the core area. Water mains extend from the intake plant to cover the core area and Madison Barracks only. Sewer lines extend throughout the core area only. Sewer connections to Madison Barracks could be readily accomplished. All outlying areas are recognized as requiring major capital investments before suitable public facilities can be provided.

In assessing the adequacy of an area's infrastructure and public services, the following points shall be considered:

- a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
- b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system.

- c. Sewage disposal system can accommodate the wastes generated by the development;
- d. Energy needs of the proposed land development can be accommodated by existing utility systems;
- e. Stormwater runoff from the proposed site can be accommodated by on site and/or off-site facilities; and
- f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities.

1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
2. Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
3. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
4. Development which because of its isolated location and small-scale has little or no potential to generate and/or encourage further land development.
5. Uses and/or activities which because of public safety considerations should be located away from populous areas.
6. Rehabilitation or restoration of existing structures and facilities.
7. Development projects which are essential to the construction and/or operation of the above uses and activities.

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

Policy 6A Expedite permit procedures in the harbor area by conformance to a memorandum of understanding between the Army Corps of Engineers, the NYS Department of Environmental Conservation, and the Village of Sackets Harbor.

Explanation of Policies

For specific types of development activities and in areas suitable for such development, the village will make every reasonable effort to coordinate and expedite local permit procedures and regulatory activities as long as the integrity of the regulatory objectives is not jeopardized. Nevertheless, the village's efforts in expediting permit procedures are part of a much larger system for regulating development, which also includes county, State and federal government agencies. Regulatory programs and procedures should be coordinated and synchronized between all levels of government and, if necessary, legislative and/or programmatic changes will be recommended from the local level.

When proposing regulations or revisions, an agency will determine the feasibility of incorporating the regulations within existing procedures if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulations' objectives.

In accordance with the village's zoning law, an applicant will advise the village clerk of an intended action and the clerk shall notify the building inspector/enforcement officer. The building inspector shall make a preliminary determination as to which local permits are required, if any, and will instruct the applicant as to the appropriate forms to file. Certain development proposals involving the village's coastal area, including such comprehensive programs as this Local Waterfront Revitalization Program and the Urban Cultural Park program, shall be reviewed by the planning board.

To simplify permit procedures and to clarify the question of jurisdiction within the harbor, the village (site plans) will develop an overall harbor plan in consultation with the Town of Hounsfield, the NYS Department of Environmental Conservation (piers, wharves, filling or excavation), Corps of Engineers (federal projects), NYS Office of Parks, Recreation & Historic Preservation (historic significance), the NYS Department of State (consistency) and St. Lawrence-Eastern Ontario Commission (general review).

FISH AND WILDLIFE POLICIES

POLICY 7 NOT APPLICABLE

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Explanation of Policy

Hazardous wastes are unwanted byproducts of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law §27-0901.3 as follows:

"Hazardous waste means a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed."

A list of hazardous wastes (6 NYCRR Part 371) has been adopted by DEC.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws.

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and nonconsumptive uses such as wildlife photography, bird watching and nature study.

Lake Ontario, in the vicinity of Sackets Harbor, provides an exceptional fishing resource. Demand for access to this resource has increased greatly in the last few years due to stocking programs operated by DEC to promote the lake fishery. The Village of Sackets Harbor will continue to cooperate with government agencies to expand recreational use of these resources while ensuring their protection.

The village's cooperative efforts with DEC, NYS Office of Parks, Recreation & Historic Preservation and other public and private groups will involve the expansion of public access to, and recreational use of the Black River Bay and Lake Ontario and its related fish and wildlife resources. Such efforts will focus on expanding boat launching, mooring and docking capabilities in the harbor without overburdening its essential functions.

Any efforts to increase recreational use of the village's fish and wildlife resources will be made in a manner which ensures the protection of these resources and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The following should be considered by all government agencies as they determine the consistency of their proposed action with the above policy.

1. Consideration should be made by federal, State and local agencies as to whether an action will impede existing or future utilization of the recreational fish and wildlife resources in the vicinity of the village or accessible from its harbor to other access sites.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative, if appropriate, (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

POLICY 10 NOT APPLICABLE

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 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 AND EROSION.

Explanation of Policy

Flooding: Areas of special flood hazard were identified and mapped in Sackets Harbor by the Federal Insurance Administration and are subject to village flood control regulations. In such areas identified, no structure will be permitted that is in violation of local flood control regulations (including mobile homes). (See Appendix A.)

Erosion: (Not Applicable). NYS Department of Environmental Conservation (DEC) is required by Section 34-0104 of Article 34, Environmental Conservation Law, to identify Coastal Erosion Hazard Areas (CEHA's). However, based on existing information, it is unlikely that the Sackets Harbor coastal area will have CEHA's warranting the adoption of CEHA regulations at any level of government. If it is found otherwise, the village will review the local program at that time and comply with or supplement policies and regulations as needed. It should be pointed out that erosion is not a problem in Sackets Harbor, as explained on page 14 of Section II.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy

Beaches, bluffs, and other natural protective features in Sackets Harbor help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Explanation of Policy

Erosion protection structures are used in Sackets Harbor (at the water filtration plant and at Gilmore Shores) and throughout the State's coastal area. Sometimes, because of improper design, construction, and maintenance standards, many such structures fail to give the protection they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

POLICY 14 ACTIVITIES AND DEVELOPMENT INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Explanation of Policy

Flood control policies for development are covered under Policies 11 and 12. Erosion has not been identified as a significant problem in the village (see Explanation of Policy 11). The possibility exists, however, that lakeshore erosion control structures could be reconstructed in which case this policy discourages improper construction or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands and therefore increase recession rates.

POLICY 15 NOT APPLICABLE

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

As noted in the explanation of Policy 11, Coastal Erosion Hazard Areas have not been identified in Sackets Harbor, nor is any such designation likely, given the relative stability of the limestone coastal bluffs. While no additional erosion control structures are expected, existing retaining walls could require repair or reconstruction in the future. Therefore, to carry out this policy, the public benefits and costs shall be carefully considered before expending public funds on reconstruction of such structures.

POLICY 17 WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SET BACK OF BUILDINGS AND STRUCTURES; (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Explanation of Policy

 Flooding: This policy recognizes both the potential adverse impacts of flooding upon development and upon natural protective features in the coastal area as well as the costs of protection against flood hazards which structural measures entail.

 This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If nonstructural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

 In determining whether or not nonstructural measures to protect against flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared, to allow an assessment to be made.

 Nonstructural measures, within identified flood hazard areas shall include, but not be limited to: (a) the avoidance of risk or damage by the siting of buildings outside the hazard area; and (b) the elevation of buildings above the base flood level.

 Erosion: Not Applicable (see explanation under erosion portion of Policy 11).

GENERAL POLICIES

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Policy 18A To enhance and protect the cultural resources and shoreline environment of the Village of Sackets Harbor which contribute to social, environmental, and economic interests, proposed major actions in the local waterfront area must give full consideration to the area's valuable coastal resources and the local safeguards established to protect such resources.

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State and the village have established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that could affect natural resources, water levels and flows, shoreline damage, hydroelectric power generation and recreation. Furthermore, proposed actions must recognize the nature of Sackets Harbor's economy and the roles that local cultural resources, public access and recreation facilities, water-dependent uses, and the natural coastal environment play in sustaining healthy tourism. Local safeguards augment those of the State in protecting valuable coastal resources.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites. The Local Waterfront Revitalization Program will encourage mixed use areas and multiple use of facilities to improve access.

The particular water-related recreation resources and facilities which will receive priority for improved access in Sackets Harbor's waterfront are fishing areas, boating facilities, access roads and passive/active recreational parks. To optimize the use of these resources, the village must facilitate various modes of access, including pedestrian, vehicular and waterborne with particular emphasis on handling short term peaks in demand for parking during major events.

The following guidelines are to be used in determining the consistency of a proposed action with this policy and Policies 20 and 21:

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - c. Impacts of peak parking demand in relation to the supply of available parking spaces.
3. No government agency will undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

The following is an explanation of the terms used in the above:

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location.
- c. Public lands or facilities - lands or facilities held by State or local government in fee-simple or less-than-fee-simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.

- (2) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
- (1) Construction/modification of public facilities which prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

POLICY 20 ACCESS TO THE PUBLICLY OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

Explanation of Policy

Sackets Harbor is endowed with shoreline and near-shore properties owned by the public and available for public use. Some of these lands are state property; others are municipal property. The village intends to improve docking and launching facilities at Market Square and Chapin Alley and promote passive recreation sites at Madison Barracks and at Firemen's Field. There is also a need to prevent encroachment upon the public holdings by the adjoining private developments. The village shall take into consideration any adverse impacts which might result from potential development of property adjacent to the public's domain.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater (in the Town of Hounsfield) to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, the preservation of historic or archaeological resources, or the protection of significant habitats.

To be consistent with this policy, the existing level of public access within public coastal lands or waters shall not be reduced or eliminated (a "reduction in the existing level of public access" is defined under Policy 19).

Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development except where: (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Government agencies will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:

1. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
2. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the coastal lands or waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

This policy would be implemented, in part, by the "Harbor Walk" as proposed in the Sackets Harbor Urban Cultural Park Management Plan. Protection of public access to the waters of Lake Ontario is afforded, in part, by village ownership of Market Square and several public rights-of-way to the water's edge, by state ownership of Battlefield State Park, and by federal jurisdiction over a channel within the harbor originally demarcated for a dredging project. Such publicly-owned properties are to be maintained and improved in accordance with Policies 1C and 2B.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

See public access discussion under Policies 19 and 20, and water-dependent use discussion under Policy 2 -- particularly the references to water-dependent recreation in Item #2, page 35 of Policy 2 explanation.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Policy 22A Redevelopment and new development in the village core and Madison Barracks will provide for water-related recreation and both active and passive public access to the shoreline as a multiple use when such multiple use is compatible with the purposes of the development or redevelopment.

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen. In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

Prior to taking action relative to any development, government agencies should consult with the village in accordance with SEQR and, in some cases, the Uniform Procedures Act to determine appropriate recreation uses. The agency should provide the village with the opportunity to participate in project planning.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project costs.

If the anticipated commercial redevelopment occurs (Madison Barracks and core area improvements), public access and recreation opportunities will be required, where practical and consistent with this policy, through local approval processes.

HISTORIC AND SCENIC RESOURCES POLICIES

POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES OR THE NATION.

Explanation of Policy

The Village of Sackets Harbor is endowed with a wealth of buildings, sites, structures, and areas which have significant and unique historic, archaeological, and architectural value to the community and its heritage. These resources within the Sackets Harbor Waterfront Area are those within the three historic districts listed on the National Register of Historic Places, including structures within these districts that are individually listed on the National Register and archaeological resources (see Section II, pages 14-16 for further description.)

This endowment of historic value contributes educationally, culturally, and economically to the character of the village and the general welfare of the public. It is matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people of Sackets Harbor, the State and the Nation.

The purposes of this policy are to:

- effect and accomplish the preservation of such improvements and of districts that represent or reflect elements of the village's cultural, social, economic, political, and architectural history;
- safeguard the village's historic, military, and cultural heritage, as embodied and reflected in such landmarks and historic districts;
- stabilize and improve property values;
- foster civic pride in the beauty and noble accomplishments of the past;
- protect and enhance the village's attraction for residents, tourists, and visitors, to serve as a support and stimulus to business;
- strengthen the economy of the village; and
- promote historic districts and landmarks for the education, pleasure and welfare of the people of the village.

The following guidelines are to be used in determining the consistency of a proposed action with this policy and its purposes.

1. This policy does not require any property owner to make any exterior changes to his structure(s). The provisions herein shall apply only to new actions proposed by an owner of a property or the owner's agent.
2. Regulated Activities.

In order to accomplish its purposes, this policy regulates the following activities:

- a. Exterior maintenance, alteration, other than windows and doors, demolition or relocation of historic buildings or structures in the historic district, which would be detrimental to their historic value or the historic value of nearby buildings, structures, sites or areas.
- b. Intrusion by new non-historic buildings or structures whether by new construction or relocation, and substantial alteration of existing non-historic buildings or structures which may be incompatible with existing buildings, structures, sites or areas in terms of style, size, color, materials or general appearance.
- c. Other non-structural activities on or adjacent to historic properties including blasting, tunneling, trenching, and other excavation, filling, grading, paving, fencing, and landscaping, lighting, and signage which by their nature may threaten or detract from the value or character of historic buildings, structures, sites or areas.

3. Exempted Activities.

The following activities are specifically exempted from the provisions of this policy:

- a. Repair or maintenance work on historic structures where such work does not duplicate existing conditions but is essential as a temporary measure for the protection of the historic property from damages or the threat of impending damage due to weather, fire, flood or other unsafe or unsanitary conditions. Exemption for such temporary measures shall expire after a period of six (6) months from the date the measures were undertaken. Two (2) extensions of three (3) months each for the exemption period may be permitted, when seasonal weather conditions, unavailability of materials, or labor or financial limitations warrant extension.
- b. Minor non-structural activities on or adjacent to historic properties consisting of:

- (1) tunneling, trenching, and other excavation, filling, and grading which do not involve the operation of heavy machinery or equipment;
 - (2) new paving, fencing, landscaping or lighting when in conformance with a site plan which has been determined to be consistent with the LWRP.
- c. Placement of up to two (2) temporary special event signs. These signs may advertise events, activities or other similar instances that will be terminated on a set date. Yard sales and similar on-lot sales shall be considered temporary activities. Such signs shall be removed at the end of the event by those who placed the sign(s).
 - d. Repainting a structure.
4. Given the possibility of archaeologically significant sites within the Village's historic districts and waterfront areas, agencies must contact the State Historic Preservation Office to determine appropriate protective measures to be incorporated in the development process.

POLICY 24 NOT APPLICABLE

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

Policy 25A Protect and enhance locally significant vistas to and from the harbor area and the bluffs at the Battlefield State Park and Madison Barracks.

Policy 25B Improve and protect visual quality in the village core area and Madison Barracks, particularly with regard to the 19th century character, military heritage and coastal ambiance.

Explanation of Policy

As noted in the Inventory and Analysis (under B. Scenic Resources), the land-based vistas from the bluffs at the Battlefield State Park and Madison Barracks, and from Navy Point and the water-based views to the bluffs and the harbor area contribute importantly to the village's coastal setting and, thus, its tourist economy. Indeed, the scenic views from the Battlefield State Park are believed to have potential statewide significance. Accordingly, all government agencies shall undertake their actions in a manner which will enhance or, at a minimum, not degrade or diminish these vistas. Actions likely to enhance largely

center around providing or facilitating scenic access. Actions likely to degrade or diminish these vistas include the following:

- (i) any significant disturbance of the geologic form of the bluffs;
- (ii) placement of structures or other visual barriers at or waterward of the immediate shoreline which would either be incongruous with the vista point (in terms of present activities, mass, scale, form or orientation) or physically block or obscure the extent of view appropriate to the vista point (in terms of type of use and public versus private ownership); and
- (iii) any significant reduction in established public access which affords viewers the opportunity to reach and enjoy these scenic vistas.

Given its wealth of 19th century structures, its history steeped in military tradition and the focus of its past and present community character to the harborfront, the village's visual quality derives from and depends upon maintaining its historic image (through the stabilization, restoration, rehabilitation and preservation of historic structures), enhancing the traditional small harbor uses (through the revitalization of deteriorated non-historic structures located around the harbor) and the promotion of appropriate new development or redevelopment in underutilized areas of the village core and at Madison Barracks.

Accordingly, all government agencies shall undertake their actions in a manner which will improve or, at a minimum, not detract from the visual quality in these areas. Guidelines for protecting visual quality are those set forth under Policies 1, 1A-D, 2, 2A, 4, 19, 20, 21, 22 and, especially, 23 as they relate to the image of the waterfront.

Any proposed use within the waterfront area shall be landscaped to insure a sightly appearance. This shall insure adequate vegetative ground cover to eliminate erosion and promote aesthetics. Trees shall be retained where possible.

AGRICULTURAL LANDS POLICY

POLICY 26 TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AND ACTION SHALL NOT RESULT IN A LOSS NOR IMPAIR THE PRODUCTIVITY OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR, IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.

Explanation of Policy

This policy applies to agricultural lands lying within the proposed Jefferson County Agricultural District No. 11 (see Section IV, Plate VI,

Proposed Land and Water Uses, page 67) and/or within the Village's designated Agricultural Resource Zone (see Section V, Plate XIII, Existing and Proposed Zoning, page 89). This policy requires a concern for any loss of these important agricultural lands. However, the primary concern is with a loss of such lands that would adversely effect the viability of the agricultural area of which those lands are a part.

An agricultural area is an area predominantly in farming and in which farms produce similar products and/or rely on the same agribusiness support services and are to a significant degree interdependent. The proposed Jefferson County Agricultural District No. 11 shall define an agricultural area of those agricultural lands in the Sackets Harbor waterfront area which lie within the district.

A series of determinations are necessary to establish whether a proposed action is consistent with the conservation and protection of agricultural lands or whether it is likely to adversely effect the viability of an agricultural area. First, it must be determined whether the proposed action would result in the loss of important agricultural lands, as defined above. If it would not result, either directly or indirectly, in the loss of important agricultural lands, then the action is consistent with this policy.

If it is determined that the action would result in a loss of important agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, then the action may be consistent with this policy, if undertaken in a manner that will minimize the loss of the important agricultural lands.

If the action is determined to result in a significant loss of important agricultural lands, that is, a loss sufficient to adversely effect surrounding agriculture's viability -- its ability to continue to exist, to prosper, and even to expand -- then the action is not consistent with this policy.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 NOT INCLUDED IN THE LOCAL PROGRAM.¹

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER, DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, OR INCREASE SHORELINE EROSION OR FLOODING.

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats as identified on the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

POLICY 29 NOT INCLUDED IN THE LOCAL PROGRAM.¹

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

The State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and coastal management policies shall be factored into the review process for coastal waters. However, such considerations shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments are being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting". Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment". However, along stream segments classified as "water quality limiting," waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

As noted in the Inventory and Analysis (under A. Water Resources Inventory), the water quality classification for Black River Bay,

Henderson Bay and Sackets Harbor are appropriate to existing and proposed uses.

POLICY 32 ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of household or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller less densely populated areas and for which conventional facilities are too expensive. Use of alternative or innovative sanitary waste systems may be appropriate in the Boulton's Farm and southwest waterfront area for these reasons.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

Explanation of Policy

Best management practices include both structural and nonstructural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, nonstructural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

POLICY 34 DISCHARGE OF WASTE MATERIALS FROM VESSELS INTO COASTAL WATERS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS, AND WATER SUPPLY AREAS.

Explanation of Policy

The Sackets Harbor coastal area does not encompass the coastal waters. The Town of Hounsfield has jurisdiction over these waters. However, pumpout facilities will be required at new marinas or expansions of existing marinas in the village, provided adequate pump-out facilities do not exist elsewhere in the harbor.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

Explanation of Policy

As noted under Policy 34, the village does not have jurisdiction over coastal waters; therefore, only the potential disposal of dredging spoils in the village and direct dredging actions of the village come under the auspices of this LWRP. The village is proposing to engage in dredging activity at the foot of Chapin Alley as part of its proposed recreational improvements.

Dredging projects can be beneficial to the coastal area, though they sometimes adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits are granted by DEC where it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with other policies herein pertaining to the protection of coastal resources.

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; AND PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Explanation of Policy

Shipment of petroleum along the waters adjacent to the village (to storage facilities southwest of the village core area) has ceased in recent years, and renewed shipments appear very unlikely. The only potential sources of hazardous substances which could spill or leach into coastal waters around the village are existing and future marinas. Gasoline transported to, stored at and dispensed from local marinas must be handled in a manner that minimizes the likelihood of spills or leaking storage tanks. Only those spills originating on land will fall within the village's jurisdiction since the adjacent coastal waters lie within the Town of Hounsfield. Nevertheless, the village would cooperate with responsible agencies having jurisdiction in the event of such a spill, since its coastal resources would thus be jeopardized.

Guidelines for this policy lie principally within existing State implementation under Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12); Penalties and Liabilities for Spills of Bulk Liquids, Environmental Conservation Law (Article 71-1941); and

Transportation Law (Article 2, Section 14-F). (In addition, as of 2/1986, the NYS Department of Environmental Conservation is preparing to promulgate petroleum bulk storage control regulations under the ECL, Article 17.)

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.

Explanation of Policy

Excess nutrients and organics can, and in many cases do, enter surface waters as a result of uncontrolled surface runoff, leaching, development activities and poor agricultural practices. Best management practices to be used to reduce these sources of pollution include but are not limited to encouraging organic farming, pest management practices, phased development, surface runoff retention basins, placement of vegetation, erosion control practices and other surface drainage control techniques. Through the use of land use regulations and site plan review provisions, the village will use best management practices to reduce such non-point pollution sources.

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Explanation of Policy

Lake Ontario is the principal source of water supply for the Village of Sackets Harbor. Groundwater sources are also used in certain areas of the village not served by the village's water system. Both sources must therefore be protected from chemical contaminants, excessive nutrients from fertilizers and inadequately treated septic wastes.

POLICY 39 THE TRANSPORT TREATMENT, AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN THE COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS, AND SCENIC RESOURCES.

Explanation of Policy

At present, there is no transport, storage, treatment, or disposal of hazardous waste in Sackets Harbor's coastal area. Solid waste in the village is collected and transported by private carrier under municipal contract. The waste is taken to the Town of Hounsfield's solid waste site, which is located several miles from the village's coastal area.

POLICY 40 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 41 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 42 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 43 NOT INCLUDED IN THE LOCAL PROGRAM¹

POLICY 44 NOT APPLICABLE

FOOTNOTE

¹Federal agencies should refer to the New York State Coastal Management Program and Final Environmental Impact Statement for the text of this policy. In addition, the text has been included in Appendix B.