

Section III. Waterfront Revitalization Policies

Policy 1

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

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

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

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

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

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

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

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

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

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

1.3 Protect stable residential areas in and around the hamlet area

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

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

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

1.5 Minimize adverse impacts of new development and redevelopment

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

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

Policy 2

Preserve historic resources of the waterfront area

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

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

2.1. Maximize preservation and retention of historic resources

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

Policy 3

Enhance visual quality and protect scenic resources throughout the waterfront area

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

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

3.1. Protect and improve visual quality throughout the waterfront area

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

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

Critical areas to protect include:

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

Policy 4

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

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

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

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

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

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

4.2. Preserve and restore natural protective features

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

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

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

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

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

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

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

Policy 5

Protect and improve water quality and supply

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 6

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

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

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

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

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

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

6.1. Limit the impact of new development on ecological quality

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

6.2 Identify, protect and restore significant fish and wildlife habitats

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

6.3. Protect and restore freshwater wetlands

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

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

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

Policy 7

Protect and improve air quality in the waterfront area

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

7.1. Control or abate existing and prevent new air pollution

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

Policy 8

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

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

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

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

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

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

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

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

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

Policy 9

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

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

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

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

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

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

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

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

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

Policy 10

Protect water-dependent uses in suitable locations

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

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

10.1. Protect existing water-dependent uses

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

10.2. Promote new water-dependent uses

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

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

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

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

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

- Maintain regionally important water-dependent uses and facilities.

10.5. Provide sufficient infrastructure for water-dependent uses.

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

Policy 11

Promote sustainable use of fish and wildlife resources

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

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

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

Policy 12

Protect agricultural lands

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

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

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

Policy 13

Promote appropriate use and development of energy and mineral resources

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

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

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

13.1. Conserve energy resources.

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

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

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

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

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

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

13.4. Minimize adverse impacts associated with mineral extraction.

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