

Section V. Local Implementation Techniques

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

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

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

Town of Wilmington Local Laws

Waterfront Consistency Law

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

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

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

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

Wilmington Stormwater Management Law

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

Wilmington Site Plan Review Law

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

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

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

Common Federal and State Agency Regulations

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

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

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

2. Adirondack Park Agency

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

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

3. Army Corps of Engineers (ACOE)

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

Other Actions Required of Both Public and Private Sectors

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

Waterfront Committee

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

Complete Proposed Projects

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

Development and Adoption of an Updated Comprehensive Plan

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

Local Management Structure and Procedures for Reviewing Proposed Projects

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

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

Financial Resources

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

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

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

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

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

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

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

Government funding programs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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