The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential applicants and are hereby incorporated into the Request for Applications RFA #21-LWRP-05 issued on May 10, 2021. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

Questions & Answers

GENERAL

Q1. Does a grant application submitted by a County need to include a letter or resolution from the eligible municipalities participating in the project?

A1. Yes, see the Request For Applications (RFA), page 3, Section II. Eligible Applicants.

Q2. What tasks are necessary to prepare a Local Waterfront Revitalization Program?


Q3. Is there a maximum or minimum State assistance request amount per application?

A3. See the RFA, page 11, Section VII. Funding and Budget Guidance. The minimum State assistance request per grant application is $50,000 and the maximum State assistance request is $5 million.

Q4. Can a municipality or county apply to EPF LWRP if they have existing open EPF LWRP contracts?

A4. Yes, eligible applicants with open EPF LWRP contracts may submit an EPF LWRP application. For more information related to eligible applicants and requirements for county applicants, refer to the current RFA, page 3, Section II. ELIGIBLE APPLICANTS.

Q5. Where can I access the Local Waterway Revitalization Program application question?
A5. The application questions for the Local Waterfront Revitalization Program can be found here: https://apps.cio.ny.gov/apps/cfa/programQuestions.cfm?programId=524.

Q6. What is the final deadline for CFA questions?

A6: The final deadline for questions related to the EPF LWRP grant program was June 18, 2021.

Q7. Can an award be transferred to another party? In a sense can an award be used as an incentive to solicit proposals for the demolition, remediation or redevelopment of a specific property?

A7: No, an award cannot be transferred to another party. However, subcontracting for services is allowable.

Q8. I’m hoping to confirm if a municipality has an existing LWRP on file, specifically, the Town of Carmel in Putnam County. I saw that the LWRP documents on the State’s website did not include the Town of Carmel, so I assume they don’t have an existing plan, but I would like to make sure.

A8: The Town of Carmel does not have an approved LWRP.

ELIGIBILITY

Q9. To be eligible to receive funding for construction project, when is an LWRP or LWRP component considered substantially complete?

A9. For the purposes of this solicitation, a substantially complete LWRP at a minimum must include complete draft LWRP Sections 1-4 which the public has been given two opportunities to review and comment on. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

Applicants should describe the completion status of their LWRP or LWRP component in their grant application. Eligibility will be determined based on the application submitted.

Q10. The Village of LeRoy completed a component of an LWRP in late 2019. The keystone project that was included in the plan is the conversion of an eroding creek shoreline along Oatka Creek into a pedestrian waterfront promenade. Before the Village can apply for construction dollars, it is interested in doing a detailed feasibility/design study to develop design alternatives and determine potential costs so it can budget accordingly. It would also like to complete any required historic resources inventory, SEQR, etc to move the project along. In order to complete the design, LeRoy anticipates a robust public engagement process to ensure the final design reflects a broad cross section of the community.

I wanted to inquire about the potential to fund this planning and design effort through this year’s CFA. I have read the CFA material and it seems this project would be eligible for funding through the LWRP Implementation Program. Am I correct in this? Any idea if these projects have been competitive in previous rounds?
If we also pursue funding through the EPF parks planning program, can we apply to both sources?

A10: Similar projects have been awarded in the past, however, eligibility will be determined based on the application submitted. Applications will be reviewed according to the specific criteria presented in the current RFA, page 15, Section IX. Application Evaluation Criteria. For more information on eligible activities, refer to the RFA, page 3, Section V. Eligible Activities.

If your project is eligible for funding through multiple agencies or programs available through the NYS Consolidated Funding Application (CFA), you may submit one grant application to multiple agencies or programs.

Q11. In our Essex Local Waterfront Revitalization Plan, we would like to implement the action to purchase and develop a parcel for waterfront and hamlet access. I am reading the guidance material for the 2021 CFA and not finding if acquisition is an allowable action – although it is supported and a part of the development plan and is the #1 goal.

A11: Refer to the RFA, page 12, Section VII. Funding and Budget Guidance; Land Acquisition for details on land acquisition under this grant.

Q12. The Town of Kent is interested in pursuing the LWRP opportunity. There is a need to combat invasive species in Kent’s lakes, specifically Lake Carmel, which provides drinking water to the region, including New York City. Would Kent be eligible to pursue funding for a management plan to combat invasive species? Also, if Kent is eligible, how competitive would they be if the plan only focuses on invasive species?

A12: Eligibility will be determined based on the application submitted. For more information on eligible activities, refer to the RFA, page 8, Section V. Eligible Activities LWRP Component: Watershed Management Plan (Planning or Implementation).

Applications will be reviewed according to the specific criteria presented in the current RFA, page 15, Section IX. Application Evaluation Criteria.

Q13. The Village of Tupper Lake will be submitting an application for construction of priority enhancement projects from our Revitalization Strategy and Park Master Plan in the municipal park on Raquette Pond.

We would like to include construction and installation of previously designed enhancements at the site in the same grant application (i.e. dockage, fishing pier, park amenities.)

We would appreciate your feedback as to whether this is permitted.

A13: Yes, this is permitted. Please to the RFA, page 2, Section I. Introduction for additional details.

Q14. We wish to verify that the project for which we seek funding is eligible. The City of Ithaca is part of a multi-municipal draft LWRP that is substantially complete, but has not been approved. The construction is related to a project mentioned multiple times in the Draft
LWRP. The project has received funding for predevelopment/design for the DOS LWRP grant program and construction is planned in the near future.

On page 4, Section V Eligible Activities, the RFA states:

“For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component. For the purpose of this solicitation, a substantially complete LWRP at a minimum must include complete draft LWRP Sections 1-4 which the public has been given two opportunities to review and comment on.”

A14: Eligibility will be determined based on the application submitted which should describe the completion status of the LWRP or LWRP component.

For grant applications which only request funding for construction, the applicant is required to submit draft or final design documents with the grant application.

Q15. I am on the town board in Milan, NY and we have just learned that the Saw Kill has been recently named an inland waterway. In fact the headwaters of the creek are in Milan. We have a culvert project in the watershed area and are interested in finding out requirements for qualifying our town to apply for grants for that project or others in the future. If you can provide that information or direct me to a source for it we would be quite grateful.

Do we need to have a LWRP or DOS-funded watershed plan in place before we apply for any funds is a key question for us at this point?

A15: Yes, to be eligible for project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing an LWRP or LWRP Component or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

To be eligible for construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component. Additional information on Eligible Activities can be found in Section V of the RFA.

Q16. Can a Town apply for implementation funding under the Local Waterfront Revitalization Program for amendments or adoption of local land use controls town-wide (not just in the WRA) that are consistent with a recently adopted LWRP and Comprehensive Plan Update that is currently being done. The Comprehensive Plan Update will be consistent with the policies of the LWRP and principles of smart growth. The adopted LWRP included a project to “update the Zoning Law to improve the implementation of the LWRP policies and goals”.

A16: Implementation projects must be located within the LWRP boundary or LWRP Component boundary. An eligible applicant may only apply for funding to prepare or amend local land use controls such as zoning that apply within their LWRP boundary or LWRP Component boundary.

Q17. In the “Preparing a Local Waterfront Revitalization Program Component” section on pages 6-7, the RFA states that proposals seeking to update to an existing LWRP can include risk
assessments, identification of strategies to address climate threats, and identification of opportunities to modify existing practices/protocols/policies, and incorporating seal level risk into plans and projects. In order for a planning activity to be eligible in this category, is the work required to result in an actual or proposed amendment to the LWRP, or would a planning study that supported these objectives without resulting in LWRP amendment potentially be eligible?

For example, could a study that focused on and incorporated planning activities cited above – such as the assessment of the climate change risks to waterfront infrastructure and transportation systems, identification of strategies related to sea level rise adaptation that could be implemented through public and private actions, and then identification of opportunities to modify or develop policies and practices to reduce a community’s vulnerability – be an eligible project under this category?

A17: Development of a resiliency study as an implementation project for a community with an approved LWRP is not required to result in an LWRP amendment. However, communities with an approved LWRP are encouraged to regularly update their LWRP to reflect changes in local conditions and community goals.

Q18. The Town of Black Brook is interested in pursuing funding to prepare a joint LWRP/Comprehensive Plan. Funding for the Comprehensive Plan component would be through the new NYSDOS Smart Growth funding program. The proposed approach will be to submit one application through the Grants Gateway for the joint project and individually address Smart Growth Comp. Plan and LWRP elements.

We are in the process of sketching out the scope and how the different plan elements will work together, including public outreach and meetings. It is envisioned that the LWRP would be an appendix/addendum to the Comprehensive Plan.

Before the Town commits to this approach, we would like to clarify if NYSDOS would have any objections to the joint application being funded by two different programs and if there are any technical, legal, or contractual issues with the combined submission.

A18: Applicants may submit one application through the CFA to apply for funding from both the Smart Growth Comprehensive Planning Grant and Local Waterfront Revitalization Programs. The application should separately identify the funding required to prepare each plan and should show a clear plan to complete each project independent of the other with a clear separation of tasks and outcomes. The CFA will be evaluated separately by each of the LWRP and Smart Growth Comprehensive Planning grant programs to determine if funding for each plan will be awarded. If funded by both grant programs, the Town would need to execute two separate contracts with DOS.

DOS would require the Town to develop two separate documents following the DOS work plans developed for each contract and fulfill NYS legislative requirements for each plan. One important difference between the plans is that the Comprehensive Plan must encompass the entire Town, where the LWRP must focus on the waterfront area of the town.
Q19. Can a municipality apply to the Smart Growth Comprehensive Planning Grant Program AND the LWRP Program in the 2021 CFA?

A19: Yes, an eligible municipality may submit one Consolidated Funding Application (CFA) to apply for funding to prepare both a Comprehensive Plan and a Local Waterfront Revitalization Program. Please see A18 above for additional information.

LOCAL MATCH

Q20. We read in the RFA that federal funds or EPF Funds cannot be used as the local match for an LWRP-funded project. However, would Canalway Grant funds be eligible to be the local match? If yes, can a municipality apply for both LWRP and the CG funds at the same time, with the understanding that one or both may not be funded and the municipality will still be responsible in any event for the local match amount?

A20: Yes, Canalway Grant Program funding may be used as match for EPF LWRP if the funding directly supports the scope of work for the proposed project.

Yes, an eligible applicant may apply for funding from both EPF LWRP and Canalway Grant Program in a single grant application through the CFA. Applicants must identify the amount, type and source of eligible local match, and demonstrate that it has been secured; failure to do so may result in a reduced award amount for qualifying applications. Additionally, applicants must identify each program to which they are applying under the CFA, explain the strategy for proceeding if the full amount of requested funding, required matching funds, and temporary financing are not secured as expected, or committed sources become unavailable (see CFA question Q_4160).

Q21. I'm looking for information regarding the next steps for the Village of Hoosick Falls. They may be interested in implementing an action recommended in their recently adopted Local Waterfront Revitalization Strategy – converting a former manufacturing site (Oak Mitsui) on the Hoosic River into recreational space along the Hoosic River Greenway. Can the Village pursue implementation funding for that project through LWRP or are they required to convert their LWRS into a full LWRP first?

A21: Eligibility will be determined based on the application submitted.

Q22. The City of North Tonawanda is working with a private developer to construct a 70 unit affordable housing project on Tonawanda Island, located at 78 Bridge Street. As part of the project, and required by our waterfront zoning, they must include a waterfront public access area. We do understand that we would need to have an easement or some other mechanism to keep the property public. As of now it is City owned, but will be purchased by the developer upon receipt of their tax credits.

The questions I have for the program are:

For the required local match, are we able to use a cash match from the developer, as opposed to the city? If so, how would grant funds be handled? For example: the City will be the grantee, but since this is a private property we assume the developer will want to do the
design and construction themselves. So can the City use the grant funds to reimburse the developer? Or does the City have to do the construction themselves?

I’m just trying to figure out logistically how this can be done, or if you have come across a similar situation in some of your other projects.

A22: Per the RFA, page 10, Section VI., grant funded design and construction work must be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established, and the predominant purpose is to provide a public benefit. The applicant must submit proof of site control and/or permanent public interest in the grant application.

Property where improvements are made with grant funding must remain available to the public and provide direct public benefit for the intended useful life of the project. If a City owned property was improved with grant funds, the City would need to secure a permanent public interest, such as an easement, when the property was sold. If a property improved with grant funds is sold or transferred out of public ownership and control without establishment of a permanent public interest prior to expiration of the intended useful life of the project, it would require that grant funds be returned to the Department of State.

Eligible match must directly support the scope of work for the proposed project – in this case the design and construction of the waterfront public access. Cash provided by the developer to design and construct the waterfront public access area could be used as local match, however, cash provided by the developer to design and construct the private housing project would not be eligible for use as local match.

If the private developer will design and construct the waterfront public access area, the City as the grantee would need to execute a contract with the developer to design and construct the waterfront public access area.

Q23. Which programs allow us to use in-kind services to satisfy the County’s match requirements?

A23: For EPF LWRP, information on eligible costs, ineligible costs and local match, refer to the RFA, Section VII. Funding and Budget Guidance on page 10.

CONSTRUCTION

Q24. The Town of Southold is considering submitting a sidewalk repair and construction project to update 1.4 miles of failing pedestrian connectivity to the waterfront in the hamlet of Mattituck. My question is what level of detail would the grant submission need to comply with question 11851 (below)?

We are prepared to submit photographs and cost estimates per foot to repair and construct sidewalks and four curb ramps to be ADA compliant. We have completed an inventory of panels that need to be repaired or constructed. The project area will also be identified.

We do not have detailed design drawings for a sidewalk as it is a simple design and we use subcontractors to complete this type of work.
Q_11851 Submit site plans and design drawings, photographs of existing site conditions, as applicable, and if available, to support your project work plan. For construction only projects, the applicant is required to submit draft or final design documents with the grant application.

A24: For construction only projects, the applicant is required to submit draft or final design documents with the grant application. Refer to the RFA, page 10, VI. REQUIREMENTS FOR IMPLEMENTATION AND CONSTRUCTION PROJECTS.

PROPERTY OWNERSHIP

Q25: I am looking for clarification on the following statement within the CFA/LWRP funding announcement:

“a permanent public interest, such as an easement (e.g. public access, conservation) has been established, and the predominant purpose is to provide a public benefit. The applicant must attach proof of site control and/or permanent public interest.”

Our proposed project is along the Keuka Lake Outlet Preservation Area. This is a conservation area under ownership and management of the non-profit Friends of the Outlet, Inc. that was transferred from Yates County ownership to the organization in the 1980’s to serve as steward and develop/maintain the trail corridor to serve a public benefit as a recreational and historic asset open to public access. What constitutes proof of “permanent public interest” in such a scenario?

A25: In this scenario, the applicant would need to submit an executed public access easement, deed restriction or other legal instrument which establishes permanent public access to the property where the proposed project will be constructed.

Q26. Does an award for demolition and remediation of a property require the awardee already own the parcel, or maintain ownership?

A26: Yes. For EPF LWRP, an eligible applicant applying for funding for a design and/or construction project, must identify the current legal owner(s) of the site where improvements will be implemented. Grant funded design and construction work must be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established, and the predominant purpose is to provide a public benefit. The applicant must attach proof of site control and/or permanent public interest. Applications that do not include this documentation will be found ineligible and will not be scored.

PROJECT TYPE/CATEGORY

Q27. We are looking at the CFA and had some questions about where Sullivan County’s 2015 Upper Delaware River: Making the Connections stands. This plan was funded through LWRP. Two years ago, we looked into making it an official program, as there was renewed emphasis on funding projects in an official LWRP.

This year we noticed that “components” are fundable. Are we a component?
Or do we apply to update our Plan into a “program” including the recommended resiliency elements? Or is it not even an “update”? 

A27: Eligibility will be determined based on the application submitted. Eligible municipalities are encouraged to apply for funding to prepare a full LWRP for their municipality. A full LWRP is a comprehensive land and water use program that expresses a vision for the waterfront and addresses local conditions through State coastal policies to reflect local or regional needs and objectives and allow them to be enforced at the local level. Through the full LWRP, a community cultivates a vision for their waterfront, policies and local laws to guide future activities and development, identifies land and water uses and projects to revitalize their waterfront area, and creates a management structure to implement the program.

The LWRP generic work plan which describes the tasks necessary to prepare a LWRP is available at: https://dos.ny.gov/index.php/system/files/documents/2021/05/lwrp-work-plan.pdf.

BUDGET

Q28. I am looking to complete a CFA application for the Dept. of State Local Waterfront Revitalization Program (LWRP) and for the program budget section, it gives different options for ‘Use’. I am looking to use grant award funds to pay a consultant for planning and preparation of an LWRP Plan, and so I am not sure if this use category would be considered ‘Planning’ or ‘Contractual Services’ or ‘Architectural/Engineering/Soft Costs’ since they all seem appropriate for hiring a consultant to help facilitate and prepare the actual plan.

Also for the budget ‘status’, since this is a grant application, I assume the status would be ‘anticipated’ but it seems like it could also be ‘in progress’?

A28: Based on the information provided, in the CFA Program budget the “Use” should be “Contractual Services” and the “Status” should be “Anticipated”.

FUNDING OPPORTUNITY

Q29. How much funding is available for climate risk projects?

A29. See RFA page 3, Section III. Funding Opportunity. The Department is making approximately $27,750,000 available to fund applications for the Local Waterfront Revitalization Program grants, up to $4 million of which is available for updates to existing LWRPs to mitigate future physical climate risks.

Q30. In Section “III. Funding Opportunity” on page 3 of the RFA, it states that of the $27,750,000 available for the LWRP program, up to $4 million will be for updates to existing LWRPs to mitigate future physical climate risks. Will such projects that mitigate future physical climate risks be prioritized over other types of updates to existing LWRPs?

A30: See RFA page 14, Section VIII. Award Methodologies. Applications received for updating existing LWRPs for the purpose of mitigating future physical climate risks, will be scored within this grant category and funds will be awarded to eligible projects in rank order. Any remaining funds from this grant category will be utilized to fund applications received for other EPF LWRP grant categories.
Q31. In Section “III. Funding Opportunity” on page 3 of the RFA, is there any distinct funding allocation for applications that mitigate future physical climate risks will be submitted under the category of “implementing a LWRP,” similar to how there is $4M for such projects in the category for “updating existing LWRPs”?

A31: No.

Q32. In Section “III. Funding Opportunity” on page 3 of the RFA, it states that there will be $18 million available for projects that are in or serve areas with the relevant specific characteristics. Is that $18 million funding mutually exclusive from the $4M pot of funding?

A32: No.