NYS Department of State  
Office of Planning, Development and Community Infrastructure  
Local Waterfront Revitalization Program (LWRP)  
2022 – 2023 Request for Applications  
RFA #22-LWRP-1

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 #22-LWRP-1 issued on May 2, 2022. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

DATE POSTED: July 1, 2022

The following change is hereby incorporated into the above referenced Request for Applications in the section noted:

Page 3, Section I Introduction, is hereby amended to add:

Documents uploaded to the CFA cannot be larger than 30 MB in size. Every effort should be made to reduce the file size to meet this requirement and submit the attachment through the CFA. However, if this is not possible the document or link to FTP site may be submitted before 4:00 PM on July 29, 2022 via email to opd@dos.ny.gov. The applicant’s name and CFA# should be included in the subject line. If documents submitted separately are not received by 4:00 pm on July 29, 2022, they will not be considered, however the application will still be reviewed.

Page 12, Section VII. Funding and Budget Guidance, Ineligible Costs, Indirect or overhead costs of the municipality is amended as follows:

Indirect or overhead costs of the municipality such as rent, telephone service, administrative support not directly related to project work, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

The remainder of Section VII. Funding and Budget Guidance remains as written.

Questions & Answers

GENERAL

Q1. What tasks are necessary to prepare a Local Waterfront Revitalization Program?

Q2. Does a grant application submitted by a County need to include a letter or resolution from the eligible municipalities participating in the project?


Q3. Can a municipality or county with the consent and acting on behalf of one or more eligible municipality apply to EPF LWRP if they have existing open EPF LWRP contracts?

A3. 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.

Q4. Is there a maximum or minimum State assistance request amount per EPF LWRP application?

A4. Yes, as noted in the RFA, page 11, Section VII. Funding and Budget Guidance, the minimum State assistance request for EPF LWRP grant funding per grant application is $50,000 and the maximum State assistance request is $3 million.

Q5. Where can I access the Local Waterfront Revitalization Program application questions?

A5. The application questions for the Local Waterfront Revitalization Program are posted on the Consolidated Funding Application (CFA) website here: https://apps.cio.ny.gov/apps/cfa/programQuestions.cfm?programId=584&short=true.

Q6. Can a municipality applying to multiple grant programs submit a separate application for each?


Q7. Where can the PDF and/or webinars related to this grant program be found?


Q8. We wish to confirm that we're required to give 30% of this contract to minority and woman-owned businesses, but 0% to service-disabled veteran-owned businesses?

A8. Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations, the DOS certified Minority and Women-owned Business Enterprises (“MWBEs”) utilization goal is 30% of the State contract award. If your project is selected for an award, you will be required to show due diligence to comply with all the MWBE contractual requirements and document good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the contract.
In compliance with Article 17-B of Executive Law, enacted in 2014, the DOS certified Service-Disabled Veteran-Owned Businesses (SDVOB) utilization goal is 6% of the State contract award. To comply with the SDVOB Program goals, the DOS strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs in the purchasing of commodities, services and technology in the performance of their contract with the DOS.

For more information, refer to the current RFA, page 24, Appendix 1 CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES, EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN, AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES.

Q9: What are the priorities for the EPF LWRP funding this year?

A9: As stated in the current RFA, Section I. Introduction, this year’s EPF LWRP funding priorities are:
   • Preparing or Updating a Local Waterfront Revitalization Program (LWRP)
   • Preparing an LWRP Component, including a Watershed Management Plan
   • Updating an LWRP to Mitigate Future Physical Climate Risks
   • Implementing a Local Waterfront Revitalization Program or a completed LWRP Component

Q10: The Village of Patchogue will be applying for an LWRP grant for construction of a living shoreline. Permits have been received from the NYS DEC and the USACE. Copies of the permits will be submitted with the application. Some of the design documents are large. Is there a limit on the size of documents able to be uploaded to the CFA? If so, what is the process to submit large files?

A10: Documents uploaded to the CFA cannot be larger than 30 MB in size. Every effort should be made to reduce the file size to meet this requirement and submit the attachment through the CFA. However, if this is not possible the document or link to FTP site may be submitted before 4:00 PM on July 29, 2022 via email to opd@dos.ny.gov. The applicant’s name and CFA# should be included in the subject line. If documents submitted separately are not received by 4:00 pm on July 29, 2022, they will not be considered, however the application will still be reviewed.

Q11: In regards to the Waterfront Program, is it possible for a Commercial Business Owner to apply for these funds if they are trying to rebuild the waterfront for public accessibility?

A11: No. Applications submitted by private business owner are ineligible and will not be scored. For more information related to eligible applicants, refer to the current RFA, page 3, Section II. ELIGIBLE APPLICANTS.

BUDGET

Q12: We have two questions on CFA Q_12891 "Submit an itemized cost estimate for all project components as described in your project scope of work. Could you please provide additional guidance on what information or details this cost estimate should include and any preferred
format? In particular, could you please differentiate between information to be included in Q 12891 and Q_12890 EPF LWRP Budget Summary & Detail?

**A12:** Instructions on how to complete the Q_12890 **EPF LWRP Budget Summary & Detail** are provided within the spreadsheet. For the contractual services budget category, the applicant is instructed to enter the type of contractual service (e.g. planning, design, construction, etc.), a one sentence description of the service, and the estimated cost of each as shown in the example below for construction of park improvements.

<table>
<thead>
<tr>
<th>Type of Contractual Service</th>
<th>Service to be Provided</th>
<th>Local Match ($)</th>
<th>State Funds ($)</th>
<th>Total Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>Construction of park improvements</td>
<td>$25,000.00</td>
<td>$75,000.00</td>
<td>$100,000.00</td>
</tr>
</tbody>
</table>

Under Q_12891, an applicant may submit an itemized cost estimate. In this example, the cost estimate would include a detailed listing of specific park improvements and associated cost for each. For example, construction of kayak launch = $50,000, multi-use trail = $25,000, green infrastructure = $15,000, landscaping = $5,000, benches = $5,000. There is no preferred format for the itemized cost estimate.

**Q13:** The Village of Patchogue is seeking additional funding for the Shorefront Shoreline Project. In 2016 an LWRP grant was received for project design including permitting and construction documents. In 2017 an LWRP grant was awarded for the construction, a DEC grant for habitat restoration, and a NYSOPRHP grant for walkways and landscaping. The permitting process is complete. Project costs have increased so the Village is applying for additional funding to complete the project.

**How do you recommend the project budget be prepared? Should the project budget include all of the previous grants?**

**A13:** The scope of work in the application should clearly identify what project components will be funded by the 2017 EPF LWRP and what components would be funded under the 2022 contract, if awarded. The budget within the CFA should only include the funding requested from the 2022 grant round and required local match for each grant program. The EPF LWRP Budget Summary & Detail (Q_12890) should only include funding requested from the 2022 grant round from EPF LWRP and required local match. An itemized cost estimate may be submitted (Q_12891) in which the applicant can identify the funding source for each cost (e.g. 2017 EPF LWRP, 2017 DEC WQIP, 2017 OPRHP, 2022 EPF LWRP, Village of Patchogue). Additionally, the applicant may describe previous funding awards in the grant application.

**EVALUATION CRITERIA**

**Q14:** Can completed BOA plans be used for points to continue and apply for LWRP or Smart Growth Plans?
A14: EPF LWRP applications will be reviewed and scored according to application evaluation criteria detailed in the RFA, page 15-20, IX. APPLICATION EVALUATION CRITERIA. For this round of funding, completion of a BOA plan is not taken into consideration.

Q15: Will LWRP applications be reviewed and scored for the 20 points by the REDC this year?

A15: Yes, EPF LWRP applications will be reviewed and scored by the REDC this year. For more information, refer to the current RFA, page 15-20, IX. APPLICATION EVALUATION CRITERIA.

ELIGIBILITY

Q16. Is demo eligible under the LWRP grant program. Specifically, the City of Kingston owns two houses in our waterfront area that have been abandoned due to regular flooding. We would like to remove them in order to return the properties to natural wetlands. In addition to removing the structures, the project would possibly involve construction of a wetland viewing platform and/or kayak launch and/or fishing access.

A16: Yes, demolition is an eligible cost as part of a proposed construction project.

Q17. Can a municipality apply for funding through the New York State CFA for preparation of a LWRP, if the municipality has begun the process of preparing one? (i.e. retained a consultant and is in the process of obtaining public input and initial draft document preparation).

A17: Yes, an eligible municipality may apply for grant funding to prepare and complete an LWRP if the planning process has already begun. However, project costs incurred prior to April 1, 2022 will not be eligible for reimbursement. If funded, additional content and revisions to the previously prepared draft LWRP sections may be required to meet LWRP content requirements described New York State Executive Law, Article 42, and 19NYCRR Parts 600-603 and summarized in the Department’s Guidance Manual for Preparing Local Waterfront Revitalization Program in the Coastal Area available at: https://dos.ny.gov/system/files/documents/2021/09/lwrp-preparation-guidance_final_9_1_21.pdf.

Q18. We currently have a draft plan identified as the Northern Chautauqua LWRP. It includes 10 municipalities. As requested by our project manager and recommended by DOS, we will be applying for funding to develop 10 individual LWRPs instead of the one regional plan. I have multiple municipalities interested in applying for grant funding to implement projects within the existing draft plan. My question is, would these municipalities be eligible to apply for LWRP funding to implement these projects (within the draft plan) even though we are now being told we need to divide up our plan into 10 individual LWRPs.

A18: For additional information on project eligibility, please refer to the RFA, Section V. Eligible Activities. If the draft LWRP in question meets the criteria outlined in Section V, the municipalities included in the draft LWRP or the County with the consent and acting on behalf of one or more of the municipalities may be eligible to apply for funding to implement projects within the draft LWRP which are located within the LWRP boundary. However, eligibility will be determined based on the application submitted which should describe the completion status of the LWRP.
Q19: If we already have a long-term community plan, can we get this designated an LWRP plan? The goal is to fund Community Rating System (CRS) entry, would we have to write an LWRP plan, even though we have this long-term recovery plan?

A19: A long-term recovery plan does not meet the legislative requirements to be approved as an LWRP. However, for the 2022-2023 EPF LWRP funding solicitation, the Village may apply for a project to undertake floodplain management activities which may be “Credited Activities” under the Community Rating System since this issue is addressed in the Village’s long-term recovery plan. The Village could also apply for funding to prepare an LWRP and undertake floodplain management activities as part of this effort which would result in incorporating the long-term recovery plan into a more comprehensive land and water use plan.

Q20: The Village of Owego along the Susquehanna River is very flood prone. This small village ranks as #36 in NYS for the most flood insurance policies. 75% of the village is in the 100-year floodplain. It is also a beautiful historic village with a large historic district.

I have worked as an active volunteer over the last couple of years to bring Owego into National Flood Insurance Program (NFIP) compliance. More resources are needed for Owego to get into the Community Rating System (CRS). We are a rural community without excess capacity or budget to take on the establishment of this program. CRS discounts will be critical to keep flood insurance costs under control under Risk Rating 2.0 for my historic village. The future of my beloved historic village is at risk if flood insurance becomes so expensive that it cripples the real estate market and economic viability of the village. We need to prioritize and educate the community about flood resiliency and mitigation, which is the mission of the CRS.

Can the Local Waterfront Revitalization Program (grant application RFA #22 – LWRP – 1) be used to fund a CRS coordinator and the resources needed for the Village of Owego to enter the CRS and implement programs needed to work toward higher discounts? If we could get funding through this program to work toward CRS entry and establish the program, we would have time to budget for a CRS coordinator when the grant funding would end.

A20: Eligibility will be determined based on the application submitted; projects must meet the criteria specified in the RFA, Section V. Eligible Activities. Personal Services including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees is an eligible cost. Costs must be adequately justified and directly support the scope of work for the proposed project.

Q21: Can a single application be applied to multiple grant programs? For instance, if a municipality is eligible for the Smart Growth Comprehensive Planning and Zoning Program and also for an LWRP, can a single application be drafted and then applied to both of those programs? Or would one simply duplicate the grant and submit it to a second program?

A21: 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 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 municipality would need to execute two separate contracts with DOS.

DOS would require the municipality 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.

**Q22:** If a municipality has received an LWRP grant 3 years ago that does not have a climate resiliency component, can the municipality apply for another LWRP grant this year to focus specifically on climate resiliency?

**A22:** Yes, applicants with an adopted and approved, or partially completed, LWRP may apply for grant funding to update their LWRP to address climate resiliency. For more information, refer to the current RFA, page 6, Section V. Eligible Activities Updating an LWRP to Mitigate Physical Climate Risks.

**Q23:** We are working on a multi-jurisdictional LWRP which has posed some challenges in regards to the plan being approved by the State. Are the county/participating municipalities still eligible to apply for implementation funds?

**A23:** For additional information on project eligibility, please refer to the RFA, Section V. Eligible Activities. If the draft LWRP in question meets the criteria outlined in Section V, the municipalities included in the draft LWRP or the County with the consent and acting on behalf of one or more of the municipalities may be eligible to apply for funding to implement projects within the draft LWRP which are located within the LWRP boundary. However, eligibility will be determined based on the application submitted which should describe the completion status of the LWRP.

**Q24:** The Town of Canton has applied for and received funding a number of times through the LWRP Program. Our LWRP boundary is along the Grasse River in the Village and Town of Canton. We are having internal discussions about a potential CFA for this round. We are considering having the Village be the applicant as opposed to the Town. Would we be able to include all of the LWRP in that case, or only those parts that are within the Village boundary?

**A24:** The applicant should be the municipality where the project is located. Since the Village and Town jointly prepared the Town and Village of Canton Grasse River Waterfront Revitalization Plan, if the project is located in both municipalities either municipality may serve as the applicant.

For projects which include any design and/or construction work, the applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicant must provide proof with the application that all design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g. public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:
Q25: I am writing on behalf of the Village of Spencerport about their upcoming LWRP implementation grant application. They are still a little confused regarding State Environmental Quality Review (SEQR) for the LWRP implementation grant. I read this from the DOS Guidance Manual for Preparing Local Programs.

3. SEQR Review: The municipality’s adoption of an LWRP and any major land use and development laws implementing the LWRP is a ‘Type I’ action subject to SEQR. Therefore, the community should provide the resolutions and related documentation to DOS, demonstrating that the SEQR process has been completed.

I think if Spencerport already had an adopted LWRP (which we think it does), and it’s been approved by DOS, then they have already done the SEQR (Type 1 action since it was an adoption of a LWRP).

I don’t see any SEQR requirements for implementation grant applications. Is SEQR required for the grant application? It will be needed during design (along with other permitting) if the Village gets the grant - I did see the below under section VI. REQUIREMENTS FOR IMPLEMENTATION AND CONSTRUCTION PROJECTS:
A25: The Village of Spencerport does not have an approved LWRP. Approved LWRPs are listed on the DOS website at: https://dos.ny.gov/local-waterfront-revitalization-program.

There are no SEQR requirements for design and/or construction projects at the time of grant application submission. If the project is selected for an award, the applicant will be required to comply with applicable local, State and Federal laws and regulations, including SEQR, prior to construction. The generic work plan which describes the tasks necessary to implement design and construction projects is available at: https://dos.ny.gov/system/files/documents/2022/04/design-and-construction-work-plan.pdf.

Q26: Saratoga Associates is assisting a municipal client with a CFA application. They are considering two projects that were included in their original LWRP Master Plan; the construction of a new trail (estimated cost of $1.5M), and improvements to an existing park (estimated cost of $500k). We are trying to determine whether we should combine these projects into a single application, or pursue each project separately during different CFA seasons. What would the State recommend our client do?

A26: If the trail and park improvements are located within the same park/location, then a single grant application may be submitted. If the trail and park improvement projects are not located within the same park/location, then separate grant applications must be submitted for each project. Applicants may submit more than one grant application per grant round. It is the applicant's decision to determine the most appropriate timing for their submission.

Q27: Is a municipality eligible to apply for the 85/15% grant award if there are EJ areas within the municipality, but the proposed project area is not located within a designated EJ area?

A27: For the purposes of determining if a CFA applicant is eligible to receive state assistance at a rate of 85% of the total eligible project cost under this solicitation, use the following Department policy:

- For applications to prepare or update an LWRP for one municipality, a portion of the LWRP boundary area must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.
- For applications to prepare or update an LWRP or LWRP component for multiple municipalities, each municipality must include an Environmental Justice Area within the planning boundary.
- For applications for design and construction projects, a portion of the project must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.
- For applications that include multiple implementation projects in multiple locations, a portion of the project in each location must be located within an Environmental Justice Area for the grant to receive state assistance of 85% of the total project cost.

For more information related to eligible applicants, refer to the current RFA, page 14, Section VII Environmental Justice which details the criteria used determine which projects are eligible for the 85% match rate.

Q28: We are proposing the following scope of work:
NYC Parks, in partnership with the New York State Department of State, developed a master plan for Mariners Marsh Park and Arlington Marsh, located along the north shore of Staten Island. The master plan for this formerly industrial site aims to balance needs of the public by providing recreational amenities, restoring natural habitats, and reopening Mariners Marsh Park to the public. The Park is located in an underserved environmental justice community and is currently closed to the public. This project is a vital first step in restoring the Park and opening it to the public. This Master Plan divided the proposed work into phases; Phase 1, where our project is located, is the northeastern quadrant of the park. It includes forest and wetland area, as well as proposed active and passive recreation. Our proposed scope is:

- Perform additional targeted subsurface testing in the natural areas on and around the proposed trail network
- Design trails throughout the natural area to allow for directed public access. The design would include a plan for remediation of the trails and some portion of the surrounding natural areas, and fencing to restrict access to the contaminated portions of the park.
- We are discussing internally whether any construction work (i.e. fence installation) can be included in this proposal and, if so, how much.

Our questions regarding the application are:

A. Referencing RFA Section V, Eligible Activities:
   Is the scope of work described above a good fit for funding under this program?
   - Can the scope include both design work (surveying, soil testing) as well as some component of construction? For example, would the construction of the fence, with remediation and park access planned for a later phase—be acceptable?
   - Could the scope include funding of outreach and engagement in the neighborhood as a distinct component of the design?
   - Would the reviewer agree this project would be a be a good fit for the “Implementing a Local Waterfront Revitalization Program or Local Waterfront Revitalization Component” pathway?

B. Referencing RFA Section VII, Funding and Budget Guidance:
   - Are Natural Resources Damages Funds eligible for match? A fire and subsequent spill onto Mariners Marsh has resulted in impacts that we eventually wish to remedy through funding or resources in kind in part, we hope, secured from the responsibility party. Could this contribute to the project total budget and this serve as match?

C. Referencing RFA Section III, Funding Opportunity:
   - We understand that projects up to $2M will be funded. Will DOS give preference to projects above or below a certain cost?
   - Would a proposal for roughly $500k in design funds be acceptable, if we anticipate the final construction cost of the project to be approximately $5M?

A28 A: Eligibility will be determined based on the application submitted:

- A grant application may include both design and construction work.
- Outreach and engagement which directly supports the project scope of work would be considered an eligible cost.
- For design and/or construction projects, it is appropriate to select the primary grant category under which you are applying as “Implementing a Local
Waterfront Revitalization Program or a completed LWRP Component” in the grant application.

B: If Natural Resources Damages Funds are received from the Federal government, including the U.S. Environmental Protection Agency, these funds would not be eligible towards local match. Funds may be used as EPF LWRP match if funds directly support the scope of work for the proposed project and do not include other Environmental Protection Fund awards and/or federal funding. 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.

C: The minimum State assistance request for EPF LWRP grant funding per grant application is $50,000 and the maximum State assistance request is $3 million. DOS does not give preference to projects above or below a certain cost. EPF LWRP applications will be reviewed and scored according to application evaluation criteria detailed in the RFA, page 15-20, IX. APPLICATION EVALUATION CRITERIA.

When estimating the total eligible project cost, the applicant should calculate the cost to complete each task included in the project scope of work. Applicants are encouraged to obtain initial project quotes from a consultant with relevant professional experience and background to inform the budget. Applicants must describe and document how the budget and costs were determined in the grant application including identifying the person(s) responsible for compiling the budget; including their relevant experience and background of all parties and the method/approach was used to arrive at estimates.

Q29: Under “Questionnaire” (Q 3461) can you confirm that municipal staff time satisfies in-kind match share requirements?

A29: Yes, personal services including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration may be used to satisfy local match requirements. However, administrative support not directly related to project work and salaries and other expenses of elected officials may not be used as local match. For more information related to eligible costs, refer to the current RFA, pages 11-13, Section VII Eligible Costs and Ineligible Costs.

Q30: Related, can you confirm that the LWRP is administered by Dept. of State, requiring a 25% local match and not the Office of Parks, Recreation and Historic Preservation which requires a 50% match?

A30: The EPF LWRP grant program is administered by the NYS Department of State. For EPF LWRP grant awards, State assistance awarded and paid shall not exceed 75% of the total eligible cost for the project, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible cost for the project. For more information, refer to the current RFA, pages 13-14, Section VII Local Match and Environmental Justice.
Q31:  Does DOS have a preferred method of ensuring an effective approach to ongoing public participation, engagement or stakeholder support?

A31:  DOS does not prescribe a preferred method. Municipalities should tailor community outreach methods based on the proposed project and community characteristics. For projects to prepare a Local Waterfront Revitalization Program see the generic LWRP work plan for minimum requirements including preparation of a community outreach process and plan and three public information meetings. For implementation projects see the generic design and construction work plan. Both work plans are available on the DOS Fund & Bid Opportunities website for EPF LWRP: https://dos.ny.gov/2022-2023-local-waterfront-revitalization-program.