

Amendment to Chapter 360 Zoning

Revisions to the Overlay District—Waterfront Incorporating Local Waterfront Revitalization Program Consistency Review And Development Design Guidelines

I. Establishment of district and purpose.

- A. The purpose of the Overlay District--Waterfront (OD-W) is to provide special controls to guide land use and development within the waterfront areas of the City. The regulations are designed to protect the sensitive waterfront areas and to maintain consistent land use with the City of Plattsburgh's Local Waterfront Revitalization Program (LWRP). The OD-W regulations are not intended to be substituted for other zoning district provisions. The overlay district is superimposed on the principal zoning district provisions and should be considered as additional requirements to be met in establishing a use within the respective principal zoning district.
- B. The Official Zoning Map is amended and revised to establish and include the updated configuration of the Overlay District-Waterfront.
- C. The consistency review process provides a framework for the agencies of the City of Plattsburgh to incorporate the policies and purposes contained in the City of Plattsburgh Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located within the waterfront area; and to assure that such actions and direct actions undertaken by City agencies are consistent with the LWRP policies and purposes.
- D. It is the intention of the City of Plattsburgh that the preservation, enhancement, and utilization of the unique waterfront area of the City of Plattsburgh occur in a coordinated and comprehensive manner to ensure a proper balance between the protection of natural resources and the need to accommodate growth. Accordingly, these provisions are intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: degradation or loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality or permanent adverse changes to ecological systems.

II. Permitted uses.

- E. Those uses otherwise permitted in the underlying districts shall be permitted in accordance with the regulations applicable thereto.
- F. In addition to any other provisions of this chapter applying to them, lots, lands and structures in the Overlay District--Waterfront shall be subject to the policies contained in the City of Plattsburgh's Local Waterfront Revitalization Program as such document may be amended from time to time, as well as the provisions of this article.

III. Applicability.

- G. Waterfront Revitalization Area. The waterfront area (a.k.a. waterfront revitalization area) as set forth in the LWRP maps and as described in the LWRP documents shall be coterminous with the City of Plattsburgh Waterfront Overlay District.
- H. Type I actions and all Unlisted Actions where a lead agency of the City of Plattsburgh has been designated under coordinated review as defined by the State Environmental Quality Review Act (SEQRA) within the Waterfront Revitalization Area will be subject to review by the designated Lead Agency for consistency review as set forth herein.
- I. Consistency Provision for Uncoordinated Review. All proposed Unlisted Actions where a lead agency has been not been designated under coordinated review as defined by the State Environmental Quality Review Act (SEQRA) within the Waterfront Revitalization Area will be subject to review for consistency review as set forth herein. Only one local agency shall be required to make a consistency review determination in the order as set forth below:
 - 1. Common Council shall be responsible for consistency review of any Common Council action.
 - 2. Planning Board shall be responsible for consistency review of any Planning Board action.
 - 3. Zoning Board of Appeals shall be responsible for consistency review of any Zoning Board of Appeals action.
 - 4. Any other local agency shall be responsible for consistency review of its action.
 - 5. If multiple City agencies have review/funding/or direct action responsibility, the Mayor shall designate a lead agency for Consistency Review under this law.
- J. Local Review of Proposed State and Federal Actions. Any proposed State and federal actions within the City of Plattsburgh's Waterfront Revitalization Area are subject to review in accordance with the guidelines established by the New York State Department of State.

IV. Definitions.

- A. Actions – include all the following, except minor actions:
 - 1. projects or physical activities, such as construction or other activities that may affect natural, or manmade, or other resources in the waterfront area, or the environment by changing the use, appearance or condition of any natural resource or structure, that: (1) are directly undertaken by an agency; (2) involve funding by an agency; or (3) require one or more new or modified approvals from an agency or agencies;
 - 2. agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
 - 3. adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
 - 4. any combination of the above.
- B. Agency – any board, agency, department, office, other body, or officer of the City of

Plattsburgh.

- C. Waterfront area - the waterfront revitalization area located within the boundaries of the City of Plattsburgh and delineated and described in the City of Plattsburgh Local Waterfront Revitalization Program.
- D. Waterfront Assessment Form - the form, a sample of which is appended to this local law, used by an agency or other entity to assist in determining the consistency of an action with the City of Plattsburgh Local Waterfront Revitalization Program.
- E. Code Enforcement Officer - the Building Inspector and/or Code Enforcement Officer of the City of Plattsburgh.
- F. Consistent – the action will fully comply with the LWRP policy standards, conditions and objections and, whenever practicable, will advance one or more of them.
- G. Direct Actions – Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.
- H. Environment - means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront area.
- I. Local Waterfront Revitalization Program (LWRP) – The Local Waterfront Revitalization Program of the City of Plattsburgh, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Plattsburgh.
- J. Minor actions include the following actions, which are not subject to review under this law:
- K. actions or classes of actions identified as Type II actions in the State Environmental Quality Review Regulations at 6 NYCRR Part 617;
- L. Any action listed as type II by another agency in that agency's duly adopted type II list, when such action is the subject of an application to the City by such agency for funding or permit approval;
- M. maintenance or repair involving no substantial changes in an existing structure or facility;
- N. replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
- O. repaving of existing paved highways not involving the addition of new travel lanes;
- P. The construction or reconstruction of bikeways, walkways, pedestrian bridges and the like, where no more than minor amounts of right-of-way need be acquired;
- Q. street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
- R. maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected;

- S. granting of individual setback and lot line variances, except in relation to a regulated natural feature;
- T. minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
- U. installation of traffic control devices on existing streets, roads and highways;
- V. mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- W. information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- X. official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- Y. routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- Z. conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- AA. collective bargaining activities;
- BB. investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- CC. inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- DD. purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- EE. adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- FF. engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- GG. civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- HH. adoption of a moratorium on land development or construction;
- II. interpreting an existing code, rule or regulation;

- JJ. designation of local landmarks or their inclusion within historic district;
- KK. emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- LL. local legislative decisions such as rezoning where the Common Council determines the action will not be approved.

V. Management and Coordination of the Review of Actions.

- A. The Director of Community Development shall be responsible for overall management and administration of the LWRP. The Mayor may appoint a Waterfront Revitalization Committee, with appointments confirmed by the Common Council, or may delegate this responsibility to another existing committee or board of the City as approved by the Common Council to assist the Director of Community Development in performing these responsibilities. The Mayor with support of the Director of Community Development, or the Waterfront Revitalization Committee, if appointed, shall:
 - 1) Inform the Common Council on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
 - 2) Make applications for funding from State, Federal, or other sources to finance projects under the LWRP.
 - 3) Coordinate and oversee liaison between City agencies and departments, to further implementation of the LWRP.
 - 4) Prepare an annual report on progress achieved and problems encountered in implementing the LWRP, and recommend actions necessary for further implementation to the Common Council.
 - 5) Perform other functions regarding the waterfront area and direct such actions or projects as are necessary, or as the Common Council may deem appropriate, to implement the LWRP.
- B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, the shall schedule at least semi-annually a local waterfront revitalization coordinating meeting, including but not limited to representatives of the Common Council, Planning Board, Waterfront Advisory Committee, and such other departments or individuals charged with LWRP implementation.

VI. Waterfront Revitalization Committee.

- A. A Committee may be created and if so created shall be hereafter known as the "Waterfront Revitalization Committee of the City of Plattsburgh". The Committee shall meet quarterly and shall advise the Common Council on LWRP implementation and on policy, project and budget

priorities, as well as on amendments to the LWRP. The Committee may also perform other functions regarding the waterfront area as the Common Council may assign to it from time to time.

- B. The Common Council is hereby authorized to appoint five (5) members to the Committee, all of whom shall be residents of the City of Plattsburgh. Of the members of the Committee first appointed: one shall hold office for a term of one (1) year, one shall hold office for a term of two (2) years, one shall hold term for a term of three (3) years, one shall hold office for a term of four (4) years, and one shall hold office for a term of five (5) years from and after the expiration of the terms of their predecessors in office. Thereafter, all members shall be appointed for a term of five (5) years. Vacancies shall be filled by the Common Council by appointment for the unexpired term. Members may be removed by the Common Council for cause and after public hearing.
- C. The Common Council shall annually appoint one (1) committee member to serve as chairperson of the Committee. Upon failure of the Common Council to appoint a Chairperson, the members of the Committee shall elect a chairperson.
- D. The Committee may employ such member as may be needed, as authorized by the Common Council, and shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction.
- E. The Common Council may create a joint waterfront revitalization committee in coordination with the Town of Plattsburgh including any necessary modifications of this consistency law to accommodate such joint committee.

VII. Review of Actions.

- A. Whenever a proposed action is located in the waterfront area the City lead agency as set forth/designated in this law shall, prior to approving, funding or undertaking the action make a determination that it is consistent with the LWRP standards summarized in section I. below. No action in the coastal/waterfront area subject to review under this ordinance shall be approved, funded or undertaken by an agency without such a determination.
- B. The Mayor, or appropriate Common Council, Agency or Committee, shall be responsible for coordinating review of actions in the City's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations for other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Mayor will also coordinate with NYS Department of State regarding consistency review for actions by State or Federal agencies.
- C. The Director of Community Development will assist each agency with preliminary evaluation of actions in the waterfront area, and with preparation of a WAF. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the agency shall refer to the Director of Community Development for preparation of a WAF, a sample of which is appended to this local law. The Director of Community Development will coordinate their preliminary evaluation with permitting or other review by each agency or the agencies considering an action.

- D. The Director of Community Development, or responsible Common Council, Agency or Committee, shall require the applicant to submit all completed applications, EAFs, and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Director of Community Development, or responsible Common Council, Agency or Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Director of Community Development, or responsible Common Council, Agency or Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them.
- E. If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Mayor shall designate the consistency review agency.
- F. Upon recommendation of the Director of Community Development, or responsible Common Council, Agency or Committee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized herein. Prior to making its determination of consistency, the agency shall render a written determination of consistency based on the WAF, the Director of Community Development, or responsible Common Council, Agency or Committee recommendation and such other information as is deemed necessary to make its determination. No approval or decision shall be rendered for an action in the waterfront area without a determination of consistency. The designated agency will make the final determination of consistency.
- 1) The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Committee in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- G. Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the waterfront area until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section I. herein.
- H. In the event the Director of Community Development, or responsible Common Council, Agency or Committee's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.

- I. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the Waterfront Revitalization Design Guidelines (attached hereto) and the following summary of LWRP policies, which are derived from and further explained and described in the City of Plattsburgh LWRP, a copy of which is on file in the Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV-Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall be consistent with the policies as set forth in state coastal management policies as set forth in 19 CRR-NY 600.5 including consideration of local interpretation of these policies as set forth in the City of Plattsburgh LWRP.
- J. If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- K. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Waterfront Advisory Committee (if such Committee has been created). Such files shall be made available for public inspection upon request.

VIII. Coastal Management Policies. (Note: this policy summary provided below is for convenience, refer to the LWRP document for further explanation/interpretation of the policies.)

DEVELOPMENT POLICIES

- Policy 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
- Policy 2 Facilitate the siting of water dependent uses and facilities on or adjacent to coastal water.
- Policy 3 Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.
- Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.
- Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.
- Policy 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

FISH and WILDLIFE POLICIES

- Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and where

practical, restored so as to maintain their viability as habitats.

Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.

Policy 9 Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

Policy 10 Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.

FLOODING and EROSION HAZARDS POLICIES

Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Policy 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Policy 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Policy 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

GENERAL POLICY

Policy 18 To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect

valuable coastal resource areas.

PUBLIC ACCESS POLICIES

Policy 19 Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Policy 20 Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

RECREATION POLICIES

Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

Policy 22 Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

HISTORIC and SCENIC RESOURCES POLICIES

Policy 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.

Policy 24 Prevent impairment of scenic resources of statewide significance.

Policy 25 Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

AGRICULTURAL LANDS POLICY

Policy 26 Conserve and protect agricultural lands in the State's coastal area.

ENERGY and ICE MANAGEMENT POLICIES

Policy 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Policy 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Policy 29 The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

WATER and AIR RESOURCES POLICIES

- Policy 30 Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.
- Policy 31 State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
- Policy 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.
- Policy 33 Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.
- Policy 34 Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.
- Policy 35 Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.
- Policy 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.
- Policy 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
- Policy 38 The quality and quantity of surface water and groundwater supplies, will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.
- Policy 39 The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.
- Policy 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
- Policy 41 Land use or development in the coastal area will not cause national or State air quality standards to be violated.
- Policy 42 Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air

Act.

Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

WETLANDS POLICY

Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

j) If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.

K) Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

IX. Enforcement.

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector or any other authorized official of the City shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

X. Violations.

- a. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- b. The Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

XI. Severability.

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

XII. Effective Date.

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

XIII. City of Plattsburgh Local Waterfront Revitalization Program

Waterfront Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, the City of Plattsburgh responsible agency, shall complete this Waterfront Assessment Form (WAF) for proposed actions which are subject to the City of Plattsburgh Waterfront Revitalization Program (LWRP) Consistency Review Law. This assessment is intended to supplement other information used by the designated City of Plattsburgh agency in making a determination of consistency with the policy standards set forth in the LWRP Consistency Review Law.
2. Before answering the questions in Section C, the preparer of this form should review the policies summarized in the LWRP Consistency Review Law for Unlisted Actions and for Type I Actions, explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), copies of which are on file in the City Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any questions in Section C on this form are answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the LWRP consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination regarding its consistency with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Name of applicant and Name of Contact Person: _____
2. Title/Description of Proposed Action: _____

3. Type of agency action (check all appropriate response(s)):
 - Directly undertake (e.g. capital construction, adoption of plan or local law, land transaction).
 - Fund (e.g. grant, bond, expenditure).
 - Permit, approve, license, certify.
4. Type of Approval Action Requested (check all that apply)
 - Site Plan Approval Variance Rezoning Building Permit
 - Subdivision Special Use Permit Other
5. Attach Environmental Assessment Form or for review under a Draft or Final Environmental Impact Statement, address therein the requirements of the City waterfront consistency law including the information required in this form.

6. Will the action be directly undertaken, require funding, or approval by a state or federal agency? Yes
 ___ No ___ If yes, which agency(ies) (list) _____

C. WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions). If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects. **WATERFRONT ASSESSMENT** (Check either "Yes" or "No" for each of the following questions). If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

1.	Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas found within the waterfront area as identified in the LWRP?	<u>YES</u>	<u>NO</u>
	(a) Significant fish or wildlife habitats?	___	___
	(b) Scenic resources of local or State-wide significance?	___	___
	(c) Important agricultural lands?	___	___
	(d) Natural protective features in a coastal erosion hazard area?	___	___
2.	Will the proposed action have a significant effect upon:		
	(a) Scenic quality of the waterfront environment?	___	___
	(b) Development of future or existing water-dependent uses?	___	___
	(c) Operation of the State’s major ports?	___	___
	(d) Land or water uses within a small harbor area?	___	___
	(e) Designated State or federal freshwater wetlands?	___	___
	(f) Commercial or recreational use of fish and wildlife resources?	___	___
	(g) Existing or potential public recreation opportunities?	___	___
	(h) Structures, sites or districts of historic, archaeological or cultural significance to City, state, or nation?	___	___
	(i) Stability of the shoreline?	___	___
	(j) Surface or groundwater quality?	___	___
3.	Will the proposed action involve or result in any of the following:		
	(a) Physical alteration of land along the shoreline, underwater land or surface waters?	___	___

(b)	Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	YES	NO
		___	___
(c)	Expansion of existing public services or infrastructure in undeveloped or low-density areas of the waterfront area?	___	___
(d)	Siting or construction of an energy generation facility not subject to Article VII or VIII of the Public Service Law?	___	___
(e)	Mining, excavation, filling or dredging in surface waters?	___	___
(f)	Reduction of existing or potential public access to, or along, the shoreline?	___	___
(g)	Sale or change in use of publicly-owned lands located on the shoreline or underwater?	___	___
(h)	Development within a designated flood or erosion hazard area?	___	___
(i)	Development on a beach, dune, bluff or other natural feature that provides protection against flooding or erosion?	___	___
(j)	Construction or reconstruction of erosion protective structures?	___	___
(k)	Diminished or degraded surface or groundwater quantity and/or quality?	___	___
(l)	Removal of ground cover from the site?	___	___
4.	PROJECT	<u>YES</u>	<u>NO</u>
(a)	If a project is to be located adjacent to shore:		
(1)	Does the project require a waterfront location?	___	___
(2)	Will water-related recreation be provided?	___	___
(3)	Will public access to the foreshore be provided?	___	___
(4)	Will it eliminate or replace a water-dependent use?	___	___
(5)	Will it eliminate or replace a recreational or maritime use or resource?	___	___
(b)	Is the project site presently used by the community neighborhood as an open space or recreation area?	___	___
(c)	Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources or facilities?	___	___
(d)	Does the project presently offer or include scenic views or vistas that are known to be important to the community?	___	___
(e)	Is the project site presently used for commercial or recreational fishing or fish processing?	___	___

		<u>YES</u>	<u>NO</u>
(f)	Will the surface area of any local creek corridors or wetland areas be increased or decreased by the proposal?	___	___
(g)	Is the project located in a flood prone area?	___	___
(h)	Is the project located in an area of high coastal erosion?	___	___
(i)	Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?	___	___
(j)	Do essential public services or facilities presently exist at or near the site?	___	___
(k)	Will the project involve surface or subsurface liquid waste disposal?	___	___
(l)	Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	___	___
(m)	Will the project involve shipment or storage of petroleum products?	___	___
(n)	Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into coastal waters?	___	___
(o)	Will the project involve or change existing ice management practices?	___	___
(n)	Will the project alter drainage flow, patterns or surface water runoff on or from the site?	___	___
(p)	Will best management practices be utilized to control storm water runoff into waterfront waters?	___	___

- | | | YES | NO |
|-----|--|-----|-----|
| (q) | Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates? | ___ | ___ |
| (r) | Will the project affect any area designated as a tidal or freshwater wetland? | ___ | ___ |
| (s) | Will the project utilize or affect the quality or quantity of sole source or surface water supplies? | ___ | ___ |

D. **REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED "YES"** (Add any additional sheets necessary)

Preparer's Name: _____, Title: _____ Representing: _____

Address: _____

Telephone Number: (_____) _____ Email: _____

Date: _____

If you require assistance or further information in order to complete this form, please contact the Community Development Department (518) 563-7642

Please submit completed form, along with one copy of a site/sketch plan to:

Community Development Department
 City of Plattsburgh
 41 City Hall Place
 Plattsburgh, NY 12901

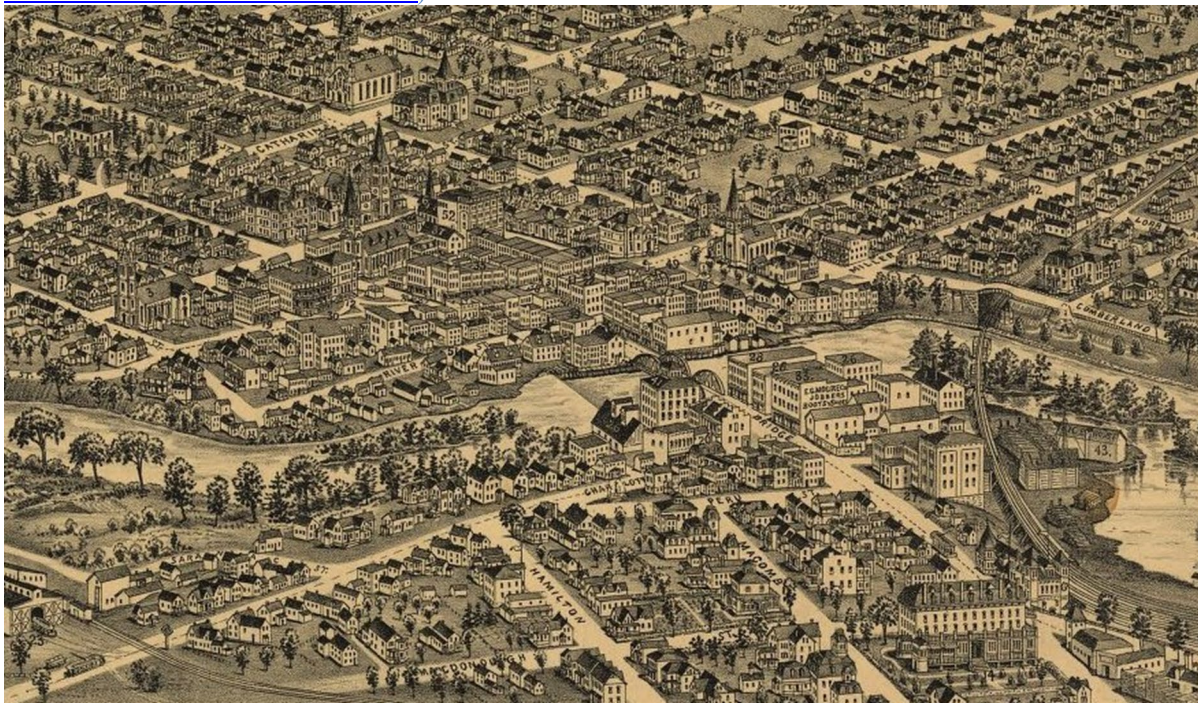
6) **Waterfront Revitalization Design Guidelines.**

Purpose. These design guidelines have been prepared to aid applicants in the development of plans for projects in the waterfront area and also to support the city planning board in the site plan review process. By considering these guidelines as projects are planned, applicants can be responsive to the principles established herein to create projects that appropriate fit and enhance Plattsburgh's waterfront character and add to the community assets.

Setting. Plattsburgh is an historic waterfront community. The scale and style of the city's developed character typically reflects that scale and style of the traditions in place at each respective period in history. In the growth of the city prior to the advent of the automobile era, the development patterns reflect the older smaller scale commercial and residential buildings with more grand civic, religious and institutional structures as typical. These patterns can be seen in the excerpts from the rendering made at the turn of the 20th Century (1899 Plattsburgh, N.Y. C. Fausel, artist. L. R. Burleigh, lith.).

Plattsburgh in 1899

IN THE GROWTH OF THE CITY PRIOR TO THE ADVENT OF THE AUTOMOBILE ERA, THE DEVELOPMENT PATTERNS REFLECT THE OLDER SMALLER SCALE COMMERCIAL AND RESIDENTIAL BUILDINGS WITH MORE GRAND CIVIC, RELIGIOUS AND INSTITUTIONAL STRUCTURES AS TYPICAL. (SOURCE: LIBRARY OF CONGRESS [HTTPS://LCCN.LOC.GOV/75694833](https://lccn.loc.gov/75694833))



Here, a more centralized transportation system delivered people and goods to train stations and docks, where passengers and shipments dispersed as pedestrians or in horse-drawn carriages and wagons. Hence, physical distance and space was at a premium so tight-knit development patterns were typical in Plattsburgh as well as other cities across the nation.

Plattsburgh in 2022

HISTORIC PATTERNS STILL PREVALENT, PROVISIONS IN STREET AND PUBLIC SPACE DESIGN TO ACCOMMODATE VEHICLE TRAFFIC AND PARKING HAS CREATED MANY CHALLENGES. IN PARTICULAR, THE SPACE REQUIRED FOR THOSE USES HAS MADE IT DIFFICULT TO CONTINUE TO MAINTAIN THAT CLOSE-KNIT, PEDESTRIAN-ORIENTED CHARACTER OF OUR URBAN AREAS. (IMAGE SOURCE: <https://www.google.com/maps/place/Plattsburgh,+NY/@44.6819922,-73.4454029,1162a,35y,270h,25.68t/data=!3m1!1e3!4m5!3m4!1s0x4cca38a8e8a57ed7:0xb5b0e8a1c5537415!8m2!3d44.6994873!4d-73.4529124>)



Plattsburgh’s development patterns evolved and changed as technology, society and economies changed. Among the changes impacting city form, some of the more important factors include construction technology advancements and federal policy changes facilitated development of interstate highways and a related transportation mode shift from ship and rail to automobile and truck. The shift in transportation away from passenger rail has had a dramatic effect on all American cities. Provisions in street and public space design to accommodate expansive spatial requirements for the movement and parking of cars and trucks has created many challenges. In particular, the sheer volume of space required for those uses has made it difficult to continue to maintain that close-knit, pedestrian-oriented character of our urban areas. Mitigating the adverse effects of those vehicular demands on our city spaces is an important aspect of these design guidelines.

Applicability. These design guidelines shall be used to assist in the design and review of new construction projects subject to site plan review or subdivision approval within the Overlay

District – Waterfront. Projects by county, state, and federal agencies shall also consider these guidelines as waterfront revitalization policy of the City of Plattsburgh. Adherence to the guidelines is expected to followed to the maximum extent practicable as determined by the reviewing board. Practical difficulties or potential conflicts can be discussed with city community development staff with the intent that potential approaches and solutions reached be brought to the appropriate review board for concurrence. The intent of the guidelines is to provide substantive direction while providing reasonable flexibility, recognizing that construction within and existing built environment requires flexibility as every site will likely require trade-offs in terms of addressing the design principles outlined herein. It is important to establish the most important design principle(s) to be addressed by a particular project and those that may of lesser importance.

Except for a simple change of occupancy of a building resulting in no physical change, the guidelines would apply to projects involving building or site modifications to existing sites and structures. The degree to which the guidelines will apply is commensurate with the degree to which the site and or buildings are to be modified, as determined by the local review board(s).

Site Analysis. A site analysis is required for all applications seeking site plan review in the Overlay District - Waterfront. The site analysis shall be conducted by a licensed design professional (professional landscape architect, architect or engineer) who shall illustrate and discuss the following existing site characteristics on a scale plan of the property for use by the planning board in considering the proposed development design. The depth to which site analysis is conducted shall be commensurate with the degree of change to existing conditions proposed. For example, for a project solely involving replacement of windows and siding for a commercial structure, the site analysis should focus on consideration of the desired design character of the existing structure, with consideration of compatibility with neighboring structures. For a completely new site plan and large new building or buildings, a more complete site analysis shall be conducted. Elements of the analysis would be determined by the review board with the following as an initial set of aspects for consideration:

1. Existing topographic contours of the site, property bounds, easements and site imagery;
2. The extent of existing vegetation including woodlands, large trees, and any known plant or animal habitats which are unique, rare or endangered;
3. Surface water features, wetlands, flood hazard areas and existing storm water flow patterns;
4. Existing structures, including potential historic resources and known archeological resources and relationship to abutting properties and features;
5. Existing and potential access points for motor vehicles, pedestrians, and bicycles including any existing farm or service lanes or adjacent trails;
6. The location of any nearby adjacent existing or planned sidewalks, bike lanes or trails;
7. Soil conditions, depth to bedrock, depth to groundwater;
8. Utilities availability in the vicinity;
9. Prevailing wind and solar aspects of the site;
10. Frontage and access to existing public streets/highways.

Design Principles.

1. Recognize the unique scenic, cultural, ecological and recreational values inherent in Plattsburgh’s waterfront setting:
 - a. Place uses that do not require waterfront access away from the waterfront (e.g., parking areas).
 - b. Create opportunities for public access to the waterfront—both visual access and physical access to the extent feasible.
 - c. Water-dependent uses including but not limited to boating, docking, ferries, swimming, fishing, water supply, water treatment, etc. shall be prioritized in site planning relative to non water-dependent uses.
 - d. Identify the unique and most important waterfront values of the site and adapt the site plan to first serve those values.



The Marina at Plattsburgh Boat Basin is a water-dependent use that provides important access to Lake Champlain and as a waterfront gateway to the City.



Pollution prevention to maintain water quality is an important water-dependent use performed at the City’s treatment facility located at the mouth of the Saranac River.

(Aerial image:
<https://www.google.com/maps/place/Plattsburgh,+NY/>)

2. Lake Champlain and Saranac River water quality protection and enhancement shall be inherent in all project plans:
 - a. Forest-covered shoreline edge and riparian vegetated buffer and tree/vegetation protection plans shall be established.
 - b. Where tree and vegetation removal is required and acceptable, requirements for replacement plantings shall be provided.
 - c. Avoid use of inappropriate shoreline treatment (e.g., outside of the downtown area, provide a natural vegetated shoreline edge—minimum width to be established based on existing conditions and approved site plan.
 - d. In downtown area where a more formal/engineered shoreline is appropriate, include shade trees and shoreline plantings to the maximum extent practicable.
 - e. Wetland preservation and wetland buffer zone shall be maintained.
 - f. Protect stream banks and habitat, especially at outlet to the lake as important fish spawning and wildlife habitats.



The Saranac River is Plattsburgh’s natural link to the Adirondacks—maintain vegetative cover along shorelines and riparian edges as vital element for the health of waterways. *(Example from Plattsburgh, NY)*



Incorporate natural processes as “green infrastructure” in design of stormwater management facilities. *(Example from Niagara Falls, NY)*

3. Well-designed infill development and adaptive reuse of existing structures is encouraged and expected to be sensitive to the setting and neighborhood context:
 - a. Consider project context:
 - i. Where the existing site/structure character fits the community vision for the area, design elements should preserve and enhance the existing character with the proposed project.
 - ii. Where the existing character of the site/structure is not well aligned with the desired/potential revitalized vision for the area, design elements should re-align the site/structure character to more appropriately address the community vision and potential for the area.
 - b. To support needed growth, design carefully to ensure new structures and site plans are compatible with the setting:
 - i. Recognize design of new construction can complement and draw inspiration from local, historic structures yet appropriately depart from those prior eras of design with new materials and architectural details that will add to the community assets.
 - ii. Create active and engaging spaces for people along the waterfront and along the streetscape.

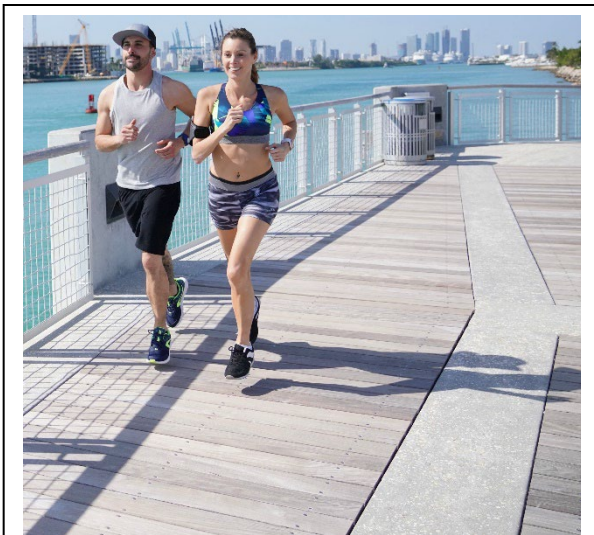


Provide amenities and spaces for people to enjoy the beauty of the waterfront area. *(Example from Plattsburgh, NY)*



Incorporate traditional elements and streetscape with generous spaces and amenities for pedestrians. *(Example from Pittsford, NY)*

4. New construction or alterations should be designed to activate and enhance the streetscape and other elements of the public realm:
 - a. Create attractive and interesting building facades that engage with the street:
 - i. Provide “storefront” windows for retail and commercial projects.
 - ii. Embellish the main entrance appropriately to provide a welcoming architectural feature as in traditional design in Plattsburgh.
 - iii. Offer opportunities for civic uses and social engagement wherever possible such as outdoor seating and café space, public art, pocket parks, etc.
 - b. Provide generous sidewalks with space for street trees, planters, pedestrian-scaled street lighting, benches as is possible in the setting. in accordance with the existing historical patterns of the area.
 - c. Avoid extensive lengths of inactive street frontage such as large surface parking lots, massive blank building walls, and similar elements wherever possible—rather, seek to create a “continuity of interest” along the streetscape to render an engaging and pleasant pedestrian experience.
 - d. Where large, inactive elements are absolutely necessary, mitigate the impact by adding architectural details such as attractive masonry columns and decorative metal fencing and landscape plantings along surface parking lots, incorporating architectural details and decorative lighting and artwork along large blank structure walls.



Waterfront design character responsive to the setting and community vision—in this example, a sleek and modern approach was appropriate to the setting. *(Example from Miami, FL)*



In this example, a more traditional set of materials and design elements were utilized. In either case, the promenade provides important public access to the waterfront. *(Example from Beaufort, SC)*

5. Iconic historic buildings and public spaces within the waterfront area can help inform the character of new construction and the design of public spaces:
 - a. This local vernacular, as expressed through site and architectural details such as roof shape, building scale, window size, fenestration, and appropriate landscape may help inform elements within the design of new buildings and public spaces.
 - b. Overall, the design of new construction, as well as infill construction, or alterations, should enhance the character of the community and waterfront district and contribute to, not detract from a unified and memorable Plattsburgh identity.
 - c. Departure from historic architectural design details may be acceptable—in particular for new construction where a more modern or custom design is appropriate to the setting. Nonetheless, traditions of civic architecture should be respected, for example relating the new development appropriately to the street and public spaces, creating an interesting and engaging streetscape, and providing adequate and attractive landscaping, lighting and public amenities.
 - d. Where feasible, new developments should retain the integrity of the site's character as expressed through its landform and landscape. Open space, courtyards, and landscaped pathways within any new development shall be encouraged to provide transitional areas between public and private spaces.



Incorporate urban pocket parks and landscape plantings, accommodating sidewalks, transit shelters and other pedestrian amenities into redevelopment plans. *(Example from New City, NY)*



Provide public spaces that prioritize the pedestrian environment and offer attractive architectural and landscape architectural elements. *(Example from Aspen, CO)*

6. Accommodate a pattern of more complete streets including attractive pedestrian-oriented environments is a key component of livable, sustainable and viable community.:
 - a. Provide space for sidewalks and pathways for pedestrians and bicyclists.
 - i. Design well defined parking areas with pedestrian sidewalk connections to stores and business.
 - ii. Provide shade tree plantings and pedestrian-scaled lighting for enhanced pedestrian safety and further reduce the potential for vehicular and pedestrian conflicts.
 - iii. Create clear vehicular movement and pedestrian patterns including visually and physically separate facilities wherever possible
 - b. Coordinate streetscape development and access and circulation plans to accommodate current and expected transit facilities.
 - c. Introduce visual elements along the road edge which clue drivers in to the presence of pedestrian traffic.
 - d. Connect places together through a sidewalk/shared use path network and by the use of curbs, street trees and other appropriate buffers to reinforce the separation of vehicular and pedestrian areas.
 - e. Excessive curb cuts should be eliminated or reduced through the sharing of common entrances and exits.



Incorporated complete streets concepts to the extent practicable as this helps make the city increasingly livable and attractive for both current and prospective residents. *(Example image Montréal, Quebec)*



Include pedestrian amenities and civic spaces—these provide a source of local pride of place—and establish a benchmark of quality for design. *(Example image Plattsburgh, NY)*

7. Parking lots should be subservient in the site design to the pedestrian environment and the relationship of buildings and structures to the street and the public realm:
 - a. Parking lots, drive lanes, and other service entries, storage, maintenance, loading, and refuse collection areas should be relegated to the rear or sides of buildings away from public view to the maximum extent practicable.
 - i. Whenever possible, these should be screened from view either by the use of vegetation, appropriate fencing, a combination of the two, or through site layout, building design and configuration.
 - ii. The creation of additional side and back entrances to buildings will render side and back parking lots more attractive to costumers and the buildings more visually interesting to pedestrians.
 - b. Larger parking lots shall incorporate elements such as islands with shade tree plantings to break up the mass and space of the parking lot and to provide an area for safe pedestrian navigation,
 - c. Within a new project or additions to existing projects, the drive lanes should be designed to link and unify the uses in a project and provide pedestrian and vehicular connections to the public realm along existing frontage streets,
 - d. The creation or incorporation of main "streets" within larger projects should include the amenities associated with a pedestrian scale environment. These may include curbing, trees, sidewalks, and lighting.



Accommodating a large grocery store by design features creating a streetscape presence, outdoor eating spaces, clear orientation of the front entrance and relegating parking to the side of the property. *(Image example Rochester, NY)*



Accommodation for pedestrians, accessibility, land landscape buffers between vehicle travel lane, sidewalk and parking area. *(Image example New City, NY)*