

# Understanding the Local Waterfront Revitalization Program (LWRP) grant awarded to the Town of Hector

State and federal grants are common ways to fund large projects that the Town could not otherwise fund without a significant tax burden on residents.

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*The Department of State's Local Waterfront Revitalization Program (LWRP), funded under Title 11 of the Environmental Protection Fund, provides matching grants on a competitive basis to eligible villages, towns, cities, and counties located along New York's coasts or designated inland waterways for planning, design, and construction projects to revitalize communities and waterfronts. Grant categories include preparing or updating an LWRP; preparing an LWRP Component, including a watershed management plan; updating an LWRP to mitigate future physical climate risks (UCR); and implementing an LWRP or a completed LWRP Component. This program helps communities breathe new life into their waterfront and underused assets in ways that ensure successful and sustainable revitalization.*

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- 2017-2018: In search of finding means to afford necessary upgrades to our only community park, Smith Memorial Park, without significantly affecting tax payers, the Town of Hector researched NYS grants available. The town applied for a Local Waterfront Revitalization Program (LWRP) grant which allows for a multitude of possible project grants under one umbrella plan, further cutting costs.
- In December of 2019, the Town of Hector was awarded the LWRP grant for \$82,500 to create a plan for projects related to the waterfront and water protection. This plan was a 75 / 25 grant (75% of the funds came from NYS's consolidated funding and 25% were from the Town of Hector).
- An LWRP area was established which follows the town water district boundary. It includes 1,000 feet east of Route 414 down to the waterfront and the entire length of the Town of Hector from Watkins Glen up to Lodi.
- The Hector Town Board held 3 community meetings in August 2019 (1 open-house for residents and 2 round tables for businesses) and an online survey in August 2020 to collect feedback.
- Some of these projects within the LWRP area are: upgrades to Smith Park, preservation of historic resources, flood and erosion mitigation, water quality protections, Route 414 and Hector Falls safety studies, public water system expansion and feasibility of public sewage.
- In 2021, the Town Board found out with clarity that the LWRP would not be formally accepted without zoning. The reason being is that there ultimately has to be an authorizing/regulating body for full plan acceptance. In the short term, the town is able to use the LWRP plan to apply for grants since zoning is being reviewed. We will find out more information this coming week of March 7<sup>th</sup>.

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More Information...

The LWRP plan can be found on [Town of Hector Homepage](#) under "Forms and Documents".

A video presentation of the LWRP can be found on the [Town's Facebook timeline](#) on July 29th, 2020.

To view NYS's Consolidated Fund Grants click on the link below. *Town of Hector is on page 13.*

[https://regionalcouncils.ny.gov/cfa/projects?region\[Southern%20Tier\]=Southern%20Tier&page=0](https://regionalcouncils.ny.gov/cfa/projects?region[Southern%20Tier]=Southern%20Tier&page=0)

# Town of Hector

## Local Waterfront Revitalization Plan

– Partial Draft for Review –

July 27, 2020

Subject to change

Pending review and approval by the  
New York State Secretary of State



Photo: Town of Hector, New York

# 1 Waterfront Revitalization Area (WRA) Boundary

The Waterfront Revitalization Area (WRA) is defined as the area that would be directly impacted by initiatives set forth in the Local Waterfront Revitalization Program. The Town of Hector is defined physically and economically by its location on Seneca Lake. The community's intimate and inextricable relationship to this waterbody makes it appropriate to include the Town of Hector's entire Seneca Lake waterfront in the Waterfront Revitalization Area.

## Section Contents

- 1.1 Boundary Description
- 1.2 Boundary Justification

## 1.1 Boundary Description

### Waterfront Revitalization Area (WRA)

The WRA boundary is indicated on Map 1. Within the boundary are commercial properties, residential dwellings, wineries and vineyards, Smith Memorial Park, community facilities, and open space areas. The WRA also includes portions of the surface waters of Seneca Lake, NYS Route 414, and NYS Route 79. Route 414 is a north-south highway that runs parallel the eastern shore of Seneca Lake. NYS Route 79 connects NYS Route 414 to the Village of Burdett.

The northern boundary of the WRA runs along the Schuyler and Seneca County line, extending one mile west into Seneca Lake. The western boundary begins by following the eastern border of Yates County south through the center of Seneca Lake, one mile parallel to the shoreline of the Town of Hector. It then turns west along the southern border of Yates County until it meets the western shoreline of Seneca Lake. From here it continues south along the shoreline, following the border between the Town of Hector and the Town of Reading, ending at the northern limit of the Village of Watkins Glen. The southern WRA boundary picks up here and runs across the lake along the border that separates the Town of Hector and the Village of Watkins Glen, extending about 600 feet inland. From this point, the eastern boundary of the WRA runs due north until it meets NYS Route 79. It then follows NYS Route 79 to the border of the Village of Burdett, traces the western border of the Village, and then turns westward again to follow County Road 5 to a point 1000 feet east of NYS Route 414. From here, it runs parallel to and 1000 feet to the east of State Highway 414 until terminating at the Seneca County line.

### Harbor Management Plan (HMP) Study Area

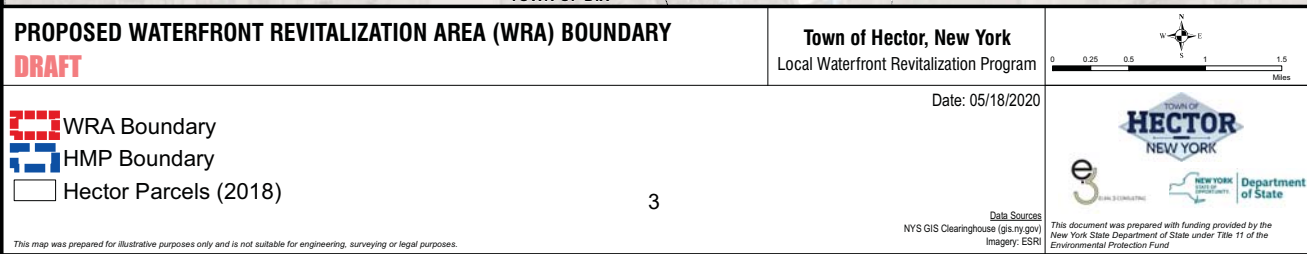
The inland boundary of the HMP study area includes all properties fronting Seneca Lake within the Town of Hector. The waterward limits coincide with the WRA boundary and Town of Hector's corporate limits.

## 1.2 Boundary Justification

The WRA boundary includes areas with a natural, economic, or community connection to the Seneca Lake waterfront. The entire WRA falls within the Seneca Lake watershed. This indicates that all land use activities within the WRA impact or have the potential to impact the water quality of Seneca Lake, which is fed by numerous creeks. For example, future development on or modification of existing forest and agricultural lands could potentially increase stormwater runoff from upland areas at the outskirts of the WRA. For the area north of the Village of Burdett, the WRA boundary is coterminous with the Town of Hector water district (ca. 2019).<sup>1</sup>

<sup>1</sup> The Hector Water District is a municipally owned and operated water utility providing both domestic water and fire protection to the State Route 414 corridor in the Town of Hector. The Hector Water District includes the hamlets of Valois, Hector and Logan, as well as the Village of Burdett. It also provides water to County Route 2, County Route 4 (1 mile) and County Route 5, the Peach Orchard Point area, Smith Memorial Park, Mathews Road, Bassett Road, and North and South Falls Road. <https://www.hectorny.us/water-district>





In addition, the Town of Hector is inextricably linked to the lakefront. In Hector, one is never more than 3-5 miles from Seneca Lake and its tributary waters. The local economy is driven primarily by agricultural businesses, lake-based tourism, and wineries/vineyards/breweries with a significant increase in activity during the summer and early fall. Many of the Town's commercial businesses are located on and adjacent to NYS Route 414, with a concentration of private properties along the shoreline. Many residents have been drawn to the Town due to its proximity to Seneca lake. Therefore, it is critical to include all these areas in the WRA to ensure that the LWRP supports the community's lake-based identity and economy.





## Section II.

### Inventory and Analysis

This section provides an overview of existing features, conditions, and resources within the Waterfront Revitalization Area (WRA) and the Harbor Management Plan (HMP) area. Analysis and assessment of the Town's waterfront assets, issues, and opportunities are conducted through thorough research and mapping techniques.

The section begins with a detailed review of community demographics, developmental constraints and opportunities, and natural and built circumstances. It concludes with summary analysis of community strengths, challenges, and opportunities.

#### SECTION CONTENTS

- 2.1 Regional & Community Characteristics**
- 2.2 Existing Land & Water Use Patterns**
- 2.3 Natural Resources & Environmental Assessment**
- 2.4 Public Access, Recreation, Scenic & Historic Resources**
- 2.5 Analysis**

## 2.1 Regional & Community Characteristics

### Setting and Historical Development

The Town of Hector is located in New York’s Finger Lakes region in northeast Schuyler County on the southeastern shore of Seneca Lake. The closest Village is Watkins Glen 8 miles to the south. Nearby population centers include the cities of Corning (25 miles southwest), Elmira (27 miles due south), Ithaca (19 miles east), and Geneva (26 miles north on Seneca Lake), as well as the Village of Waterloo (28 miles north) and the village of Seneca Falls (29 miles north). The closest major city is Syracuse (50 miles northeast), followed by Rochester (60 mile northwest), Buffalo (100 miles northwest), and the state capital of Albany (160 miles east). Major roadways providing access to the Town of Hector include State Routes 79, 96, and 414. The Town lies 30 miles south of Interstate 90 and 25 miles north of Interstate 86.

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*A small, rural town on the shores of Seneca Lake, Hector remains true to its agricultural roots and is rich in natural resources and beauty*

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The Town of Hector traces its origins to 1779 when the New York State Legislature granted 28 tracts of land to soldiers who fought in the American Revolution and against the native Seneca Nation. The township was designated “number 21” and later given the classical name “Hector” by Assistant NYS Secretary of State Robert Harpur. In 1854, the Town of Hector reached a peak of 5,500 residents and was joined with the newly established Schuyler County. The region’s vast forests, rolling hills, streams, and lakes heavily influenced its growth, supporting a proliferation of mills, agricultural centers, and tradespeople throughout the 1800s. Most homes in this period were built in Greek Revival and Federal styles, and these architectural styles are still visible within the older housing stock of the Town. Population growth tapered off in the mid-1800s and decreased somewhat due to national circumstances including the Civil War, Great Depression, and World Wars.

Today, the Town of Hector is home to approximately 4,935 residents (2017)<sup>1</sup> and remains true to its rural and agricultural roots. The region is well known for its wide array of vineyards & wineries, distilleries, and breweries. In addition to these businesses and attractions, the region provides its residents and visitors with access to natural scenery and resources.<sup>2</sup>

### Overview of the Waterfront Area

Seneca Lake is the largest and deepest of the Finger Lakes. Approximately 10 miles, or 16% of the surface area of the lake falls within the Town of Hector. The shoreline of the WRA is relatively straight, with no bays, inlets, or harbors. It is punctuated by the outlets of over three dozen creeks and/or gorges, several

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<sup>1</sup> U.S. Census Bureau 2017 American Community Survey 5-year estimates

<sup>2</sup> Town of Hector Comprehensive Plan 2015



of which form small points protruding into the lake. Major creeks and points along the eastern shoreline include (from North to South)<sup>2</sup>:

- Breakneck Creek at Valois Point;
- Sawmill Creek at Peach Orchard Point;
- Bullhorn Creek at McGrath Point, next to Smith Memorial Park;
- Glen Eldridge / Tug Hollow Creek at Glen Eldridge Point;
- Hector Falls Creek at Hector Falls Point; and
- Excelsior Glen Creek.

Most of the land along the gorges, riparian areas, and Seneca Lake shoreline is privately owned. The lakefront is lined with houses, including seasonal and year-round residences, with private docks and boathouses. The only public waterfront in the WRA is Smith Memorial Park. On the western shore, there are several commercial businesses in the Town of Reading that rely on water uses within the Hector WRA including a salt refinery, lodging houses, and a marina.

## Previous Planning Initiatives & Studies

### Town of Hector Comprehensive Plan (2015)

The Town of Hector adopted a comprehensive plan in September of 2015. The comprehensive plan illustrates the community's vision, goals, values, and recommendations for future development. The vision statement emphasizes three key components:

- Preserve, enhance and celebrate the characteristics of the Town and Village, including its unique composition of natural and scenic resources, fresh water, wineries, tourism and agriculture.
- Play to the town's strengths by encouraging sustainable economic growth in tourism, agriculture, wineries and local small business.
- Protect the health and sustainability of environmental resources and the rural agrarian landscape.

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*Complementary plans and initiatives, including the 2015 Town of Hector Comprehensive Plan, have laid the groundwork for a successful LWRP*

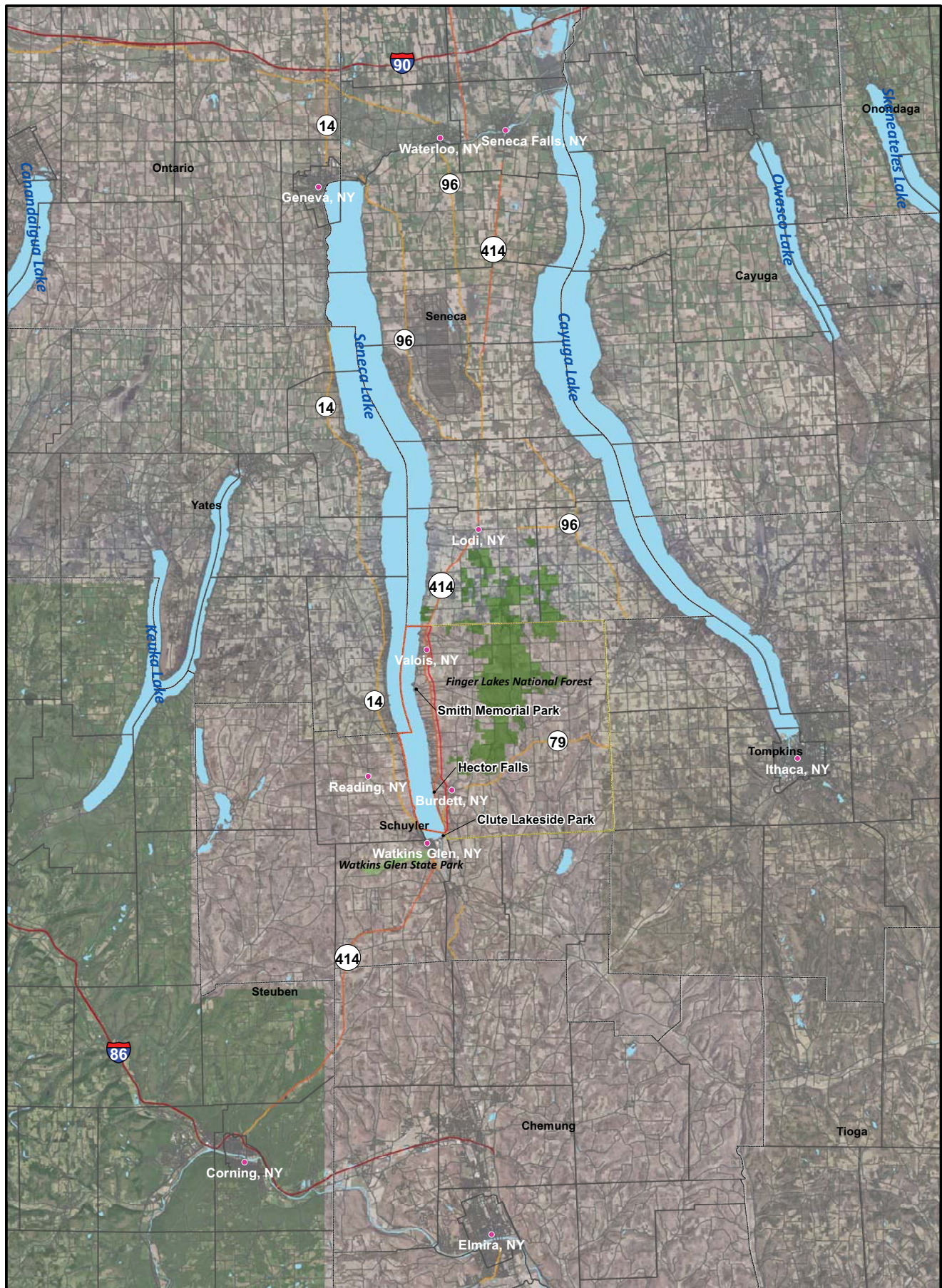
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The document also includes plans to further develop assets such as Hector's agricultural heritage, residential living opportunities, scenic resources, economic opportunities, and thriving community. Notably, the plan recognizes Hector's valuable waterfront and watershed resources. The development of a Local Waterfront Revitalization Program (LWRP) offers viable opportunities to improve these assets and distinct solutions to address developmental goals and challenges. <sup>1</sup>

### Seneca Lake Watershed Management Plan

This document was developed by external agencies including the Southern Tier Central Regional Planning & Development Board, the Finger Lakes Institute, and New York Department of State with other municipalities. The plan outlines a long-term strategy to ensure the protection and restoration of Seneca Lake's water quality and to guide compatible land use and development. A section dedicated to the Town of Hector provides 5 key recommendations related to (1) developing a stormwater management





## REGIONAL CONTEXT

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This map was prepared for illustrative purposes only and is not suitable for engineering, surveying or legal purposes.


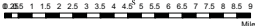
- WRA Boundary
- Town of Hector
- County Boundary
- City & Town Municipal Boundary
- Watkins Glen State Park
- Finger Lakes National Forest
- Scenic Byway (State Rt. 414)
- Streets
- Water Bodies



## Town of Hector, New York Local Waterfront Revitalization Program

Date: 05/18/2020

Syracuse -> 50 miles  
Rochester -> 60 miles  
Albany -> 160 miles  
Buffalo -> 100 miles

Data Sources  
NYS GIS Clearinghouse (gis.ny.gov)  
Imagery: ESRI





This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund





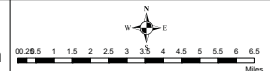
## REGIONAL HYDROGRAPHY

**DRAFT**

-  WRA Boundary
-  Town of Hector
-  Rivers, Streams, & Tributaries
-  Lakes & Ponds

**Town of Hector, New York**  
Local Waterfront Revitalization Program

Date: 05/18/2020



**HECTOR**  
NEW YORK



NEW YORK  
STATE DEPARTMENT OF  
Environmental Conservation

Department  
of State



ordinance, (2) developing green infrastructure standards, (3) establishing floodplain regulations, (4) creating onsite wastewater treatment regulations, and (5) developing riparian buffers. A LWRP could help to more efficiently explore and implement these recommendations.<sup>3</sup>

#### **The Town of Hector's Zoning Commission (2017-Present)**

This commission was established to explore the possibility of implementing a formal zoning code for the Town. The goal is to create a plan that would complement the goals of the 2015 Comprehensive Plan and address the needs of residents, landowners, and businesses in the community, as well as the needs of its natural resources and the local economy. This public, representative body demonstrates the Town's dedication to organized, constrained, and thoughtful planning processes. Implementation of an LWRP may help define and establish characteristics of potential zoning laws and boundaries.<sup>4</sup>

#### **Schuyler County Hazard Mitigation Plan (2016-2021)**

This document assesses hazards facing Schuyler County, including both natural and human-caused disasters, and presents strategies to reduce long-term risks. The plan includes an inventory of hazards, risk and resilience assessments, and policies and strategies for long-term hazard mitigation and vulnerability reduction. All towns and villages in Schuyler County are included in the plan and contributed to its development. The hazards posing the highest risk are (1) flooding (2) severe wind/tornado and (3) cyber attack, followed by (4) severe winter storm (5) Ice storm (6) pandemic (7) active shooter and (8) HazMat release in transit. Social vulnerability is generally low in the Town of Hector, though is elevated for certain groups like mobile homeowners. Mitigations actions identified for the Town of Hector include adopting zoning laws, upgrading culverts, and procuring an emergency generator.

#### **Town of Hector Emergency Management Plan (2018)**

In addition the County hazard mitigation plan, the Town of Hector has a local emergency management plan. The Plan outlines the Town's procedures for declaring and responding to an emergency including the steps for establishing an emergency operations center and executing a coordinated response with local and regional authorities. The Plan is a generic guide applicable to any type of disaster response.

## **Community Profile**

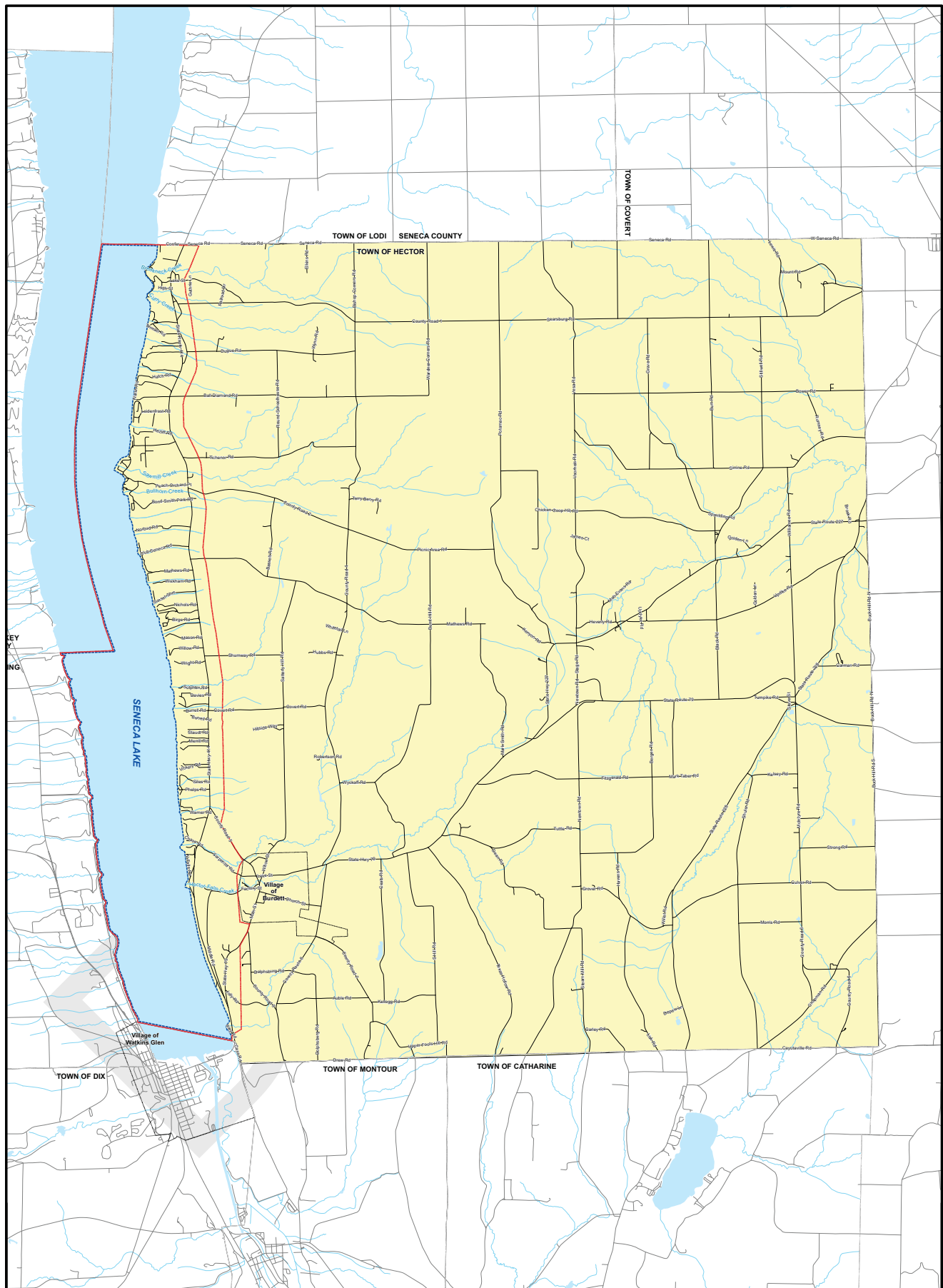
The boundary of the WRA does not follow an official census boundary. The WRA encompasses the western-most portion of Census Tract 9501 within Schuyler County (see map 4). In order to provide a more accurate assessment of the demographic context within the study area, both the Town of Hector and the designated WRA were assessed for their respective characteristics using US Census data and the ESRI mapping tool.

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<sup>3</sup> <http://www.gflrpc.org/uploads/3/1/9/1/31916115/senecalakemanagementplan.pdf>

<sup>4</sup> <https://www.hectorny.us/zoning-commission-0>



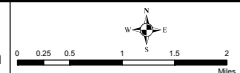


**CENSUS TRACT 9501**

**DRAFT**

**Town of Hector, New York**  
Local Waterfront Revitalization Program

Date: 05/18/2020



- WRA Boundary
- Lakes & Ponds
- HMP Boundary
- Rivers, Streams, & Tributaries
- Hector Streets
- Census Tract 9501
- Area Streets

Overall, the Town of Hector and the WRA both have a relatively stable population and economy. While the County population has declined over the past decade, the population of Hector has been growing. Hector has a relatively high median household income and low unemployment rate for the County, as well as a higher median age. Hector has a high rate of home ownership, and many houses in the WRA are for seasonal or recreational use.

## Population

According to the U.S Census Bureau's 2017 American Community Survey (ACS), Hector had an estimated 4,935 residents in 2017. This estimate is very close to the 2010 and 2000 Census population figures of 4,951 and 4,854, respectively.<sup>5</sup> Similarly, the total population of the WRA was estimated at 704 in 2010, or 14.2% of Town residents, and 721 in 2000, or 14.8% of residents.<sup>6</sup> Anecdotally, the town has seemed to grow in recent years, and officials are looking forward to the 2020 census totals.

*Hector has a very stable, but aging population. Attracting younger and more diverse residents may support population retention in the future.*

**Table 1 – Population in Hector and the WRA**

Area	Population			Median Age	Median age % change 2010-2017/8
	2000	2010	2017		
WRA	721	704	--	50.3 (2018)	16.4%
Town of Hector	4,854	4,951	4,935	49.1 (2017)	13.7%
Schuyler County	19,224	18,343	18,112	45.7 (2017)	7.5%

Source: U.S Census Bureau – American Factfinder

## Age

The Town of Hector and the WRA have a relatively older and aging population.<sup>5, 6</sup> 2017 and 2018 data show the median age was 49.1 for Hector and 50.3 for the WRA, higher than the Schuyler County median (45.7) and national median (37.8). The median age is also increasing at a faster rate for both locales (see Table 1). There are several potential reasons for these trends. The population data suggest that the region has retained and attracted older residents. Meanwhile, the number of residents in younger cohorts has stayed the same or declined somewhat. These figures could be influenced by factors that increase life expectancy or quality of life for older residents, or lower fertility rates or the retention of younger populations.

## Race

The population of the Town of Hector remains primarily white/caucasian. In 2017, an estimated 96.6% (4,765) of residents were white or Caucasian. There is a small Hispanic/Latino population of approximately

<sup>5</sup> U.S Census Bureau -American Factfinder 2000 Census, 2010 Census, & 2017 ACS Estimate Data

<sup>6</sup> Demographic data for the WRA was estimated using Environmental Systems Research Institute's (ESRI) mapping tools with US census data (2017 ACS 5 year estimate and 2018 5 year estimate)

61 residents (1.2%), a decrease from the 2010 estimate of 80 residents, and a few residents (0.7%) of Asian descent. An estimated 1.5% (75 residents) are two or more races, a 92.3% increase from 2010 Census data. The data for the WRA is similar. WRA residents are 97.5% white/Caucasian. Approximately 15 residents are Hispanic/Latino, Asian, or two or more races (see Table 2). The data suggest that most minority residents reside outside of the WRA.

**Table 2 – Racial Diversity in Hector and the WRA**

Area	Racial Composition (2017)							
	White	% Change from 2010	Hispanic/Latino	% Change from 2010	Asian	% Change from 2010	Two or More Races	% Change from 2010
WRA	698	1.3%	10	42.9%	2	N/A	9	28.6%
Town of Hector	4,765	-0.7%	61	-23.8%	33	17.9%	75	92.3%

Source: U.S Census Bureau – American Factfinder

## Housing

The Town of Hector had 2,842 housing units in 2017, a 14% increase since 2010 (see Table 3). The occupied housing stock was dominated by owner-occupied (83%) and single-family detached (79%) units. Only 370 units were renter-occupied and median monthly rent was \$815, 9.5% higher than the county median of \$741. Approximately 629 housing units (22%) were vacant, somewhat higher than the national vacancy rate (14.4%) because most were for seasonal, recreational, or occasional use (2010 data). The average household size varied from 2.3 persons for owner-occupied houses and 2.1 for renter-occupied houses.<sup>4</sup>

In 2018, about 27% of Hector's housing stock was located in the WRA, a 4.4% increase from 2010. More than half (57%) of the 752 total units were vacant, including 191 listed as being for seasonal use. Average household size was 2.2 persons.<sup>4</sup>

High homeownership rates are an indicator of stability, as owners tend to be more invested in their community and thereby more involved in community improvement. A typical standard is 40% renter-occupied / 60% owner-occupied.

By this measure, Hector is very stable, and has room to diversify its housing stock. Relatively high rent costs also suggest there is demand for additional rental units, which may also help to attract or retain younger populations.

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*The WRA has a mix of seasonal and year-round houses with the potential to grow and diversify the housing stock*

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**Table 3 – Housing in Hector and the WRA**

Area	Housing (2017)					
	Total units Occupied	Vacant units	Owner Occupied	Renter Occupied	Avg. Household size (# persons)	Avg. Rent
WRA	325 (43%)	428 (57%)	278	47	2.2	N/A
Town of Hector	2,213 (78%)	629 (22%)	1,843	370	2.2	\$815.00

Source: U.S Census Bureau, Factfinder

## Economic Context

In 2017, the Town of Hector economic base employed approximately 2,506 people. The four largest occupational sectors were management, business, science, and the arts with 1072 total employees. The three industries with the largest employment base were education, health care and social assistance with 635 employees; manufacturing with 265 employees; and professional, scientific, management, administrative and waste services with 264 employees.

The median household income in Hector was \$50,785, 6.0% higher than the county median of \$47,810. Approximately 10.8% of the population lives below the poverty line, lower than the national average of 13.4%. In Hector, the largest demographic living below the poverty line are Asian residents at 66.7%. Female residents within Hector also experience a slightly higher percentage of poverty at 11.8%, when compared to 9.8% of male residents.<sup>5</sup>

The WRA is a relatively economically stable area within the Town of Hector. It possesses a relatively high median household income of \$53,212, 4.7% higher than the Town median. Within the WRA, 98.7% of the population ages 16 and older are in the labor force, suggesting that most unemployed or retired residents live outside of the WRA. The three largest occupational sectors within the WRA are professional at 19.2%, administrative support at 19.2%, and services at 18.7%. The three industry sectors with the largest employment bases are services at 38.5%, manufacturing at 12.6%, and public administration at 12.6%.<sup>6</sup>

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*WRA residents are working professionals with relatively high median incomes that comprise 28% of Hector's workforce.*

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**Table 4 – Economic indicators in Hector and the WRA**

Area	Economics (2017)			
	# of Employed Residents	Top Industry	Median Household Income	Poverty Rate
WRA	711 (98.7%)	Public Services	\$53,212	N/A
Town of Hector	2,506	Education, Health & Social	\$50,785	10.8%

Source: U.S Census Bureau, Factfinder



## 2.2 Existing Land & Water Use Patterns

### Land Use, Ownership, Vacancy, & Zoning

#### Existing Land Use

Land in the Town of Hector is largely agricultural and semi-developed rural land. The surrounding region is primarily undeveloped woodlands and agricultural lands. The WRA has 953 landmass parcels, which cover approximately 6,331 acres (9.9 square miles).<sup>7</sup> According to existing Real Property Survey data (RPS), the most common land use is residential, which accounts for 2,641.2 acres (41.7%). One quarter (28.4%) of WRA acres are agricultural use and another quarter (24.4%) are vacant. The remaining acreage is divided between commercial use (3.4%), community services (2.0%), industrial use (less than 0.1%), and creekside lands or unspecified uses (less than 0.1%). The four unspecified parcels appear to be used as roadways, buffers between lots, vacant or wooded parcels, and creek beds.<sup>7</sup>

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*The WRA is a mix of private residential and agricultural land with 1,545 acres of vacant property.*

*Ninety-nine acres of WRA property are publicly owned by the Town of Hector*

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#### Land Ownership

Ninety-nine percent of landmass parcels in the WRA are privately-owned. The Town of Hector owns two parcels totaling 91.7 acres (or 1.4%). The ownership of the remaining four parcels (1.0 acres) is unspecified.

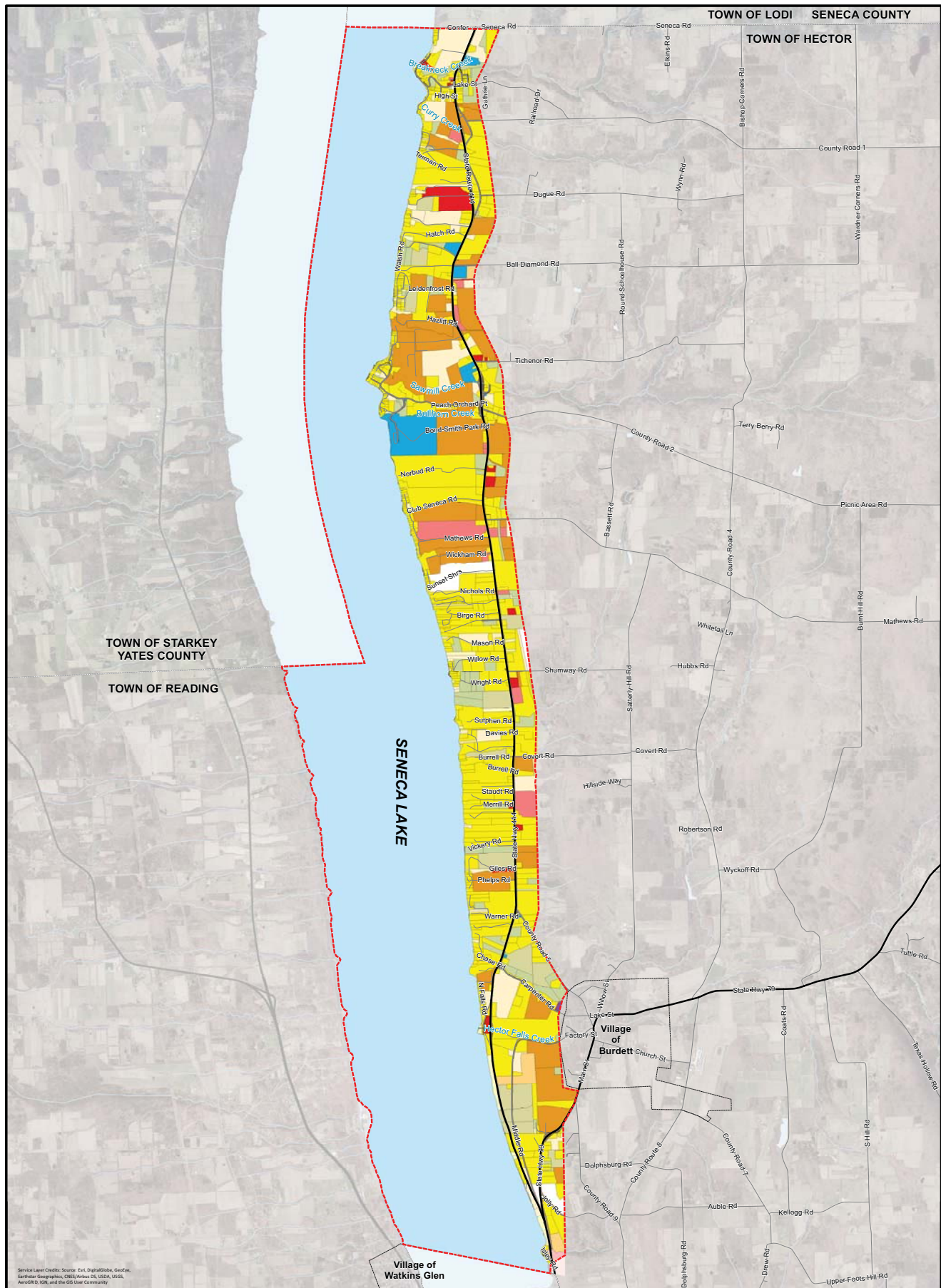
**Table 5 – Land Use in the WRA**

Classification	Land Use		
	# of Parcels	Total Acreage	Percent of WRA acres
Residential	650	2641.2	41.7%
Agricultural	43	1799.2	28.4%
Vacant	214	1545.5	24.4%
Commercial	29	216.6	3.4%
Community & Public Services	11	125.1	2.0%
Unspecified	4	1.0	>0.1%
Industrial	1	2.0	>0.1%
Water/Creekside land	1	0.4	>0.1%
<b>TOTAL</b>	<b>953</b>	<b>6,331</b>	<b>100%</b>

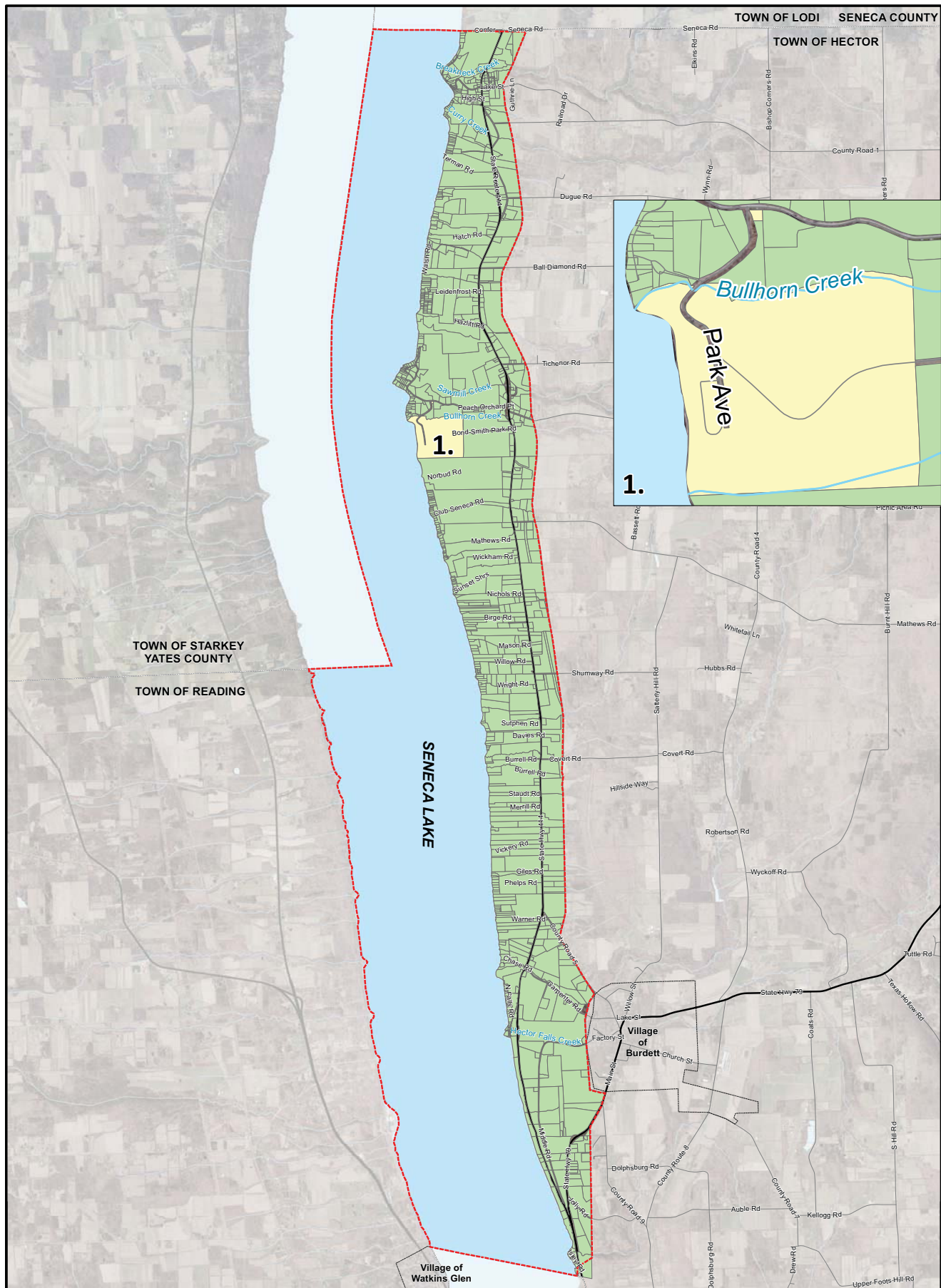
Source: Hector Taxable Parcels, ESRI GIS

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<sup>7</sup> Town of Hector Taxable Parcels, Schuyler County – ESRI GIS







# EXISTING LAND OWNERSHIP

**DRAFT**

WRA Boundary

## Land Ownership

Private Town of Hector

**Town of Hector, New York**  
Local Waterfront Revitalization Program

Date: 6/6/2019



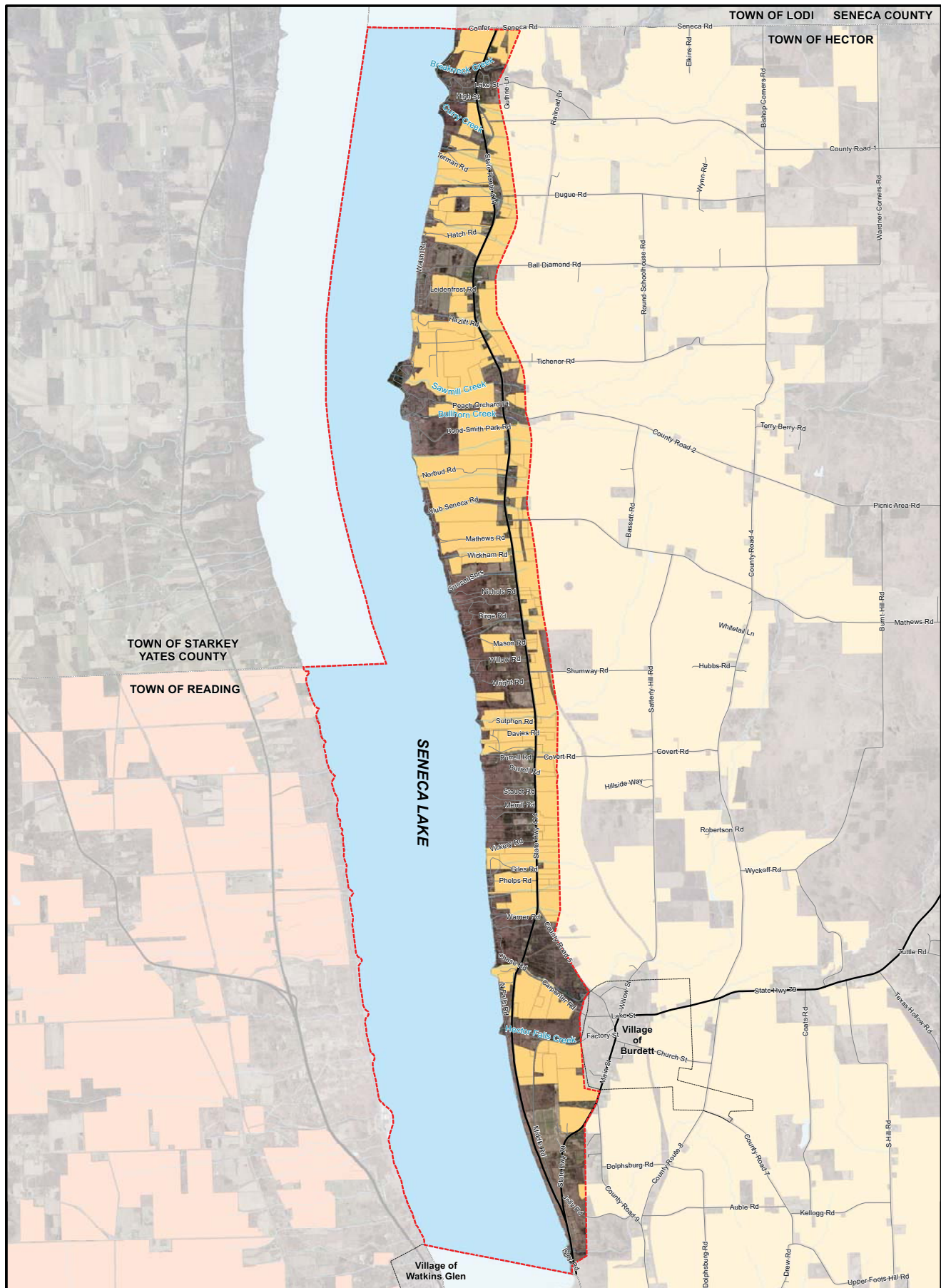
**HECTOR**  
NEW YORK



Department of State

Data Sources  
NYS GIS Clearinghouse (gis.ny.gov)  
Imagery: ESRI

This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund



# AGRICULTURAL DISTRICTS

**DRAFT**



WRA Boundary



Hector Parcels (2018)

Agricultural District

- 1
- 2
- 3

## Town of Hector, New York

Local Waterfront Revitalization Program

Date: 7/12/2019





## Agricultural District

The WRA falls within Schuyler County's Agricultural District #1. As of 2019, the district encompasses 44,600 acres and approximately 40 farms, several of which are in the WRA (see map 7). The district promotes and protects agricultural activity in the region.

## Vacancy

One quarter of the WRA, or 1,545.5 acres, is occupied by vacant parcels. Most of these 214 vacant parcels are classified as either vacant rural land (103 parcels) or vacant land with minor improvements/structures (58 parcels). The rest are classified as vacant residential (44 parcels), vacant agricultural (4 parcels), general vacant land (4 parcels), or vacant commercial (1 parcel). Many are for seasonal, recreational, and occasional uses. These vacant properties pose an opportunity to further utilize or develop the WRA for water-enhanced and water-dependent uses.

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*Large areas of vacant land in the WRA pose an opportunity for redevelopment that is compatible with water-dependent and water-enhanced uses*

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## Zoning and Land Use Regulations

The Town of Hector does not have a formal zoning ordinance. A zoning commission is currently reviewing the feasibility and need for such land-use regulations in the future. The Town Board has established a driveway permit program for new or extended driveways that connect to Town roads. These permits seek to ensure that certain minimum construction standards are adhered to at the point of connection.<sup>8</sup> A full-time officer provides for building code enforcement.

## Underwater lands

For Seneca Lake, underwater lands are owned by New York State and are under the jurisdiction of the NYS Office of General Services (OGS). These lands as well as any structures in, on, or above them are subject to the Public Lands Law and Regulations. The boundary of state-owned lands is the natural lower water mark.

Development impacting underwater lands in the WRA requires approval from the OGS. The OGS works in cooperation with several state and federal agencies including the NYS DEC, NYS Department of State, NYS Canal Corporation, the NYS Office of Parks, Recreation and Historical Preservation, the NYS Museum, and the US Army Corp of Engineers. Additional permits and approvals may be required from these agencies depending on the type of development and its impact on resources such as navigable waters, cultural and historic sites, wildlife habitats, and recreational areas.

## Underwater infrastructure and navigational hazards

Given the topography of Seneca Lake and history of the WRA, there are few obstructions above or below the surface. The only navigational hazard noted on the most recent National Oceanic and Atmospheric Administration (NOAA) nautical chart is a submerged pile at Valois Point on the eastern shore. The only

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<sup>8</sup> [https://www.hectorny.us/sites/hectorny/files/uploads/driveway\\_permit\\_local\\_law.pdf](https://www.hectorny.us/sites/hectorny/files/uploads/driveway_permit_local_law.pdf)

mapped underwater infrastructure is the water intake for US Salt at Salt Point on the western shore. There are no mapped underwater cables in the WRA (see map 8).<sup>9</sup>

## Water Uses

The various creeks of the region and Seneca Lake once served a significant role in the development of Hector. The creeks were often used for mills, which led to the agricultural and residential growth of the region. Seneca Lake's navigable waterways, which connect to New York State Canal Systems, allowed the movement of agricultural goods grown in Hector to reach distant markets.

Today, surface waterways are primarily used for recreational purposes. Seneca Lake is popular for its fishing, boating, swimming, and scenic atmosphere.

### Definitions

As defined by State of New York Executive Law, Water-Dependent uses are "activities that require a location in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves as an integral part of such activity the use of the water."

Water-Enhanced uses are "activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are general of a recreational, cultural, commercial or retail nature."<sup>10</sup>

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*While Hector has an abundance of natural resources, supportive infrastructure for water-dependent and water-enhanced uses – such as boat launches and access roads - is underdeveloped*

### Water-Dependent uses

**Fishing and Boating:** **Seneca Lake** is positioned in the geographic center of the Finger Lakes and has the largest volume of water of the eleven lakes. The lake is a recognized waterbody by the DEC and EPA. According to the former, the lake contains Alewife, Atlantic Salmon, Bluegill, Brown Bullhead, Brown Trout, Lake Trout, Largemouth Bass, Northern Pike, Pumpkinseed, Rainbow Trout, Rock Bass, Sea Lamprey, Smallmouth Bass, Smelt, and Yellow Perch. The DEC stocks the lake annually outside the Town of Lodi with hatchery-reared lake trout, brown trout and landlocked salmon, while the rainbow trout fishery is sustained entirely by natural reproduction. The fishing season for these four species is open year-round.<sup>11</sup> Several fishing charters are active on Seneca Lake within the WRA (waterside), but operate from marinas outside of the WRA.

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<sup>9</sup> NOAA Coastal Chart 14791, Cayuga and Seneca Lakes; Watkins Glen; Ithaca published 06.012016  
<https://www.charts.noaa.gov/InteractiveCatalog/nrnc.shtml#mapTabs-1>

<sup>10</sup> <https://www.dos.ny.gov/opd/programs/pdfs/CoastalPolicies.pdf>

<sup>11</sup> <https://www.dec.ny.gov/outdoor/25574.html>

Much of the lakefront of the WRA is lined with private docks and boat houses or individual moorings associated with private residences. There is one private commercial marina, Anchor Inn & Marina LLC, on the western shore. The waterside portion of the marina is located in the WRA while the landside is outside of the WRA in the Town of Reading. The marina has approximately ten slips and rents boats and watersports equipment for recreational use including fishing.<sup>12</sup> Scenic boat tours have also operated from this marina.

The Town of Hector operates and manages one boat launch at Smith Memorial Park off Route 414. The dirt and gravel launch connects to a steep, dirt access road and is used primarily for kayaks, canoes, and small recreational watercraft.<sup>10</sup>

**Swimming:** *Seneca Lake* is used for recreational swimming throughout the WRA. Residents and visitors swim near the shore from private beaches and docks. Smith Memorial Park offers a public swimming area with a 250-foot beach. The swimming area is open throughout the summer months when lifeguards are present.

**Diving:** *Seneca Lake* offers opportunities for recreational scuba diving due to its depth. Divers can enjoy views of wildlife, underwater cliffs, and shipwrecks including large and small boats and barges. Many sites are located in the southwestern corner of the lake within the WRA.<sup>13</sup>

**Tourism:** *Hector Falls* are a series of cascading drops fed by Hector Falls Creek and Logan Creek. Recorded as 165 ft high, the falls themselves traverse over 250 feet of hillside. The falls are visible from Seneca Lake and Route 414. The falls are very popular, but only accessible from a short, narrow shoulder along busy Route 414. This raises safety concerns due to high volume of traffic in the summer months, speeding vehicles, and pedestrians standing/walking along the roadside for pictures.

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*Minor investments to improve waterfront access could have broad benefits for local business, tourism, road safety, and community life*

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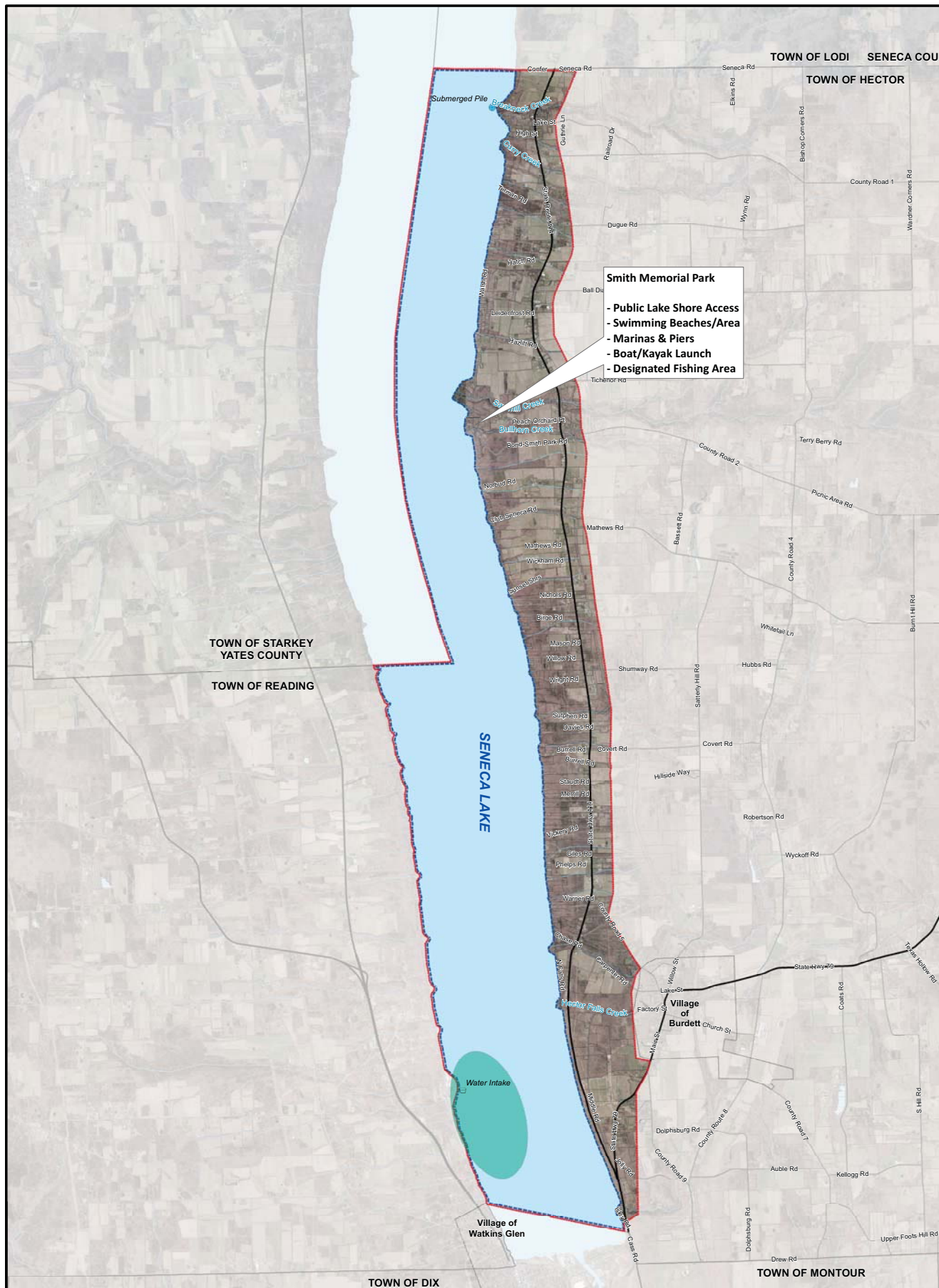
**Seneca Lake Scenic Byway (NYS Rt. 414)** is an 18-mile section of NYS Rt. 414 that parallels the shore of Seneca Lake from Hector in Schuyler County to Lodi in Seneca County. The byway offers access to and promotes the region's scenic, historical, natural, cultural and archaeological resources and events. One popular activity is the Farm to Fork Fondo, an organized scenic bicycle ride that stops at local farms and wineries. Hundreds of cyclists participate each year.

The popularity of the route has also caused local concern for the safety of drivers, cyclists, residents, and pedestrians. There are no separate bicycle lanes or protection for pedestrians parked along the shoulder at tourist destinations. A mix of speeding vehicles, multiple and hidden driveways, slow tourist traffic, and confusing signage also create safety hazards.

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<sup>12</sup> <http://www.anchorinn-marina.com/>

<sup>13</sup> <http://www.flupa.org/>



## WATER USES

**DRAFT**

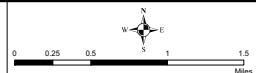
- WRA Boundary
- HMP Boundary
- Hector Parcels (2018)

- In-water Structures & Infrastructure
- Submerged Navigation Obstructions
- FLUPA Designated Sites

22

## Town of Hector, New York Local Waterfront Revitalization Program

Date: 05/18/2020



Data Sources  
NYS GIS Clearinghouse (gis.ny.gov)  
Imagery: ESRI

This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund



**CAUTION**  
**SUBMARINE PIPELINES AND CABLES**  
 Charted submarine pipelines and submarine cables and submarine pipeline and cable areas are shown as:

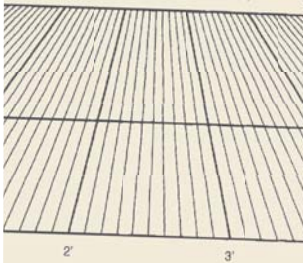


Additional uncharted submarine pipelines and submarine cables may exist within the area of this chart. Not all submarine pipelines and submarine cables are required to be buried, and those that were originally buried may have become exposed. Mariners should use extreme caution when operating vessels in depths of water comparable to their draft in areas where pipelines and cables may exist, and when anchoring, dragging, or trawling. Covered wells may be marked by lighted or nighted buoys.

**POLLUTION REPORTS**  
 spills of oil and hazardous substances to the National Center via 1-800-424-8802 (toll free), or to the nearest U.S. Coast Guard if telephone communication is impossible (33 CFR 160.104-160.106).

**RADAR REFLECTORS**  
 Radar reflectors have been placed on many navigational aids to navigation. Individual radar reflector identification on these aids has been omitted from this chart.

Latitude and Longitude Plotting Interpolator



Latitude and Longitude Plotting Interpolator

## SENECA LAKE NOAA DEPTH CHART

**DRAFT**



WRA Boundary

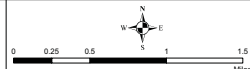
HMP Boundary



Popular Scuba Diving Sites

**Town of Hector, New York**  
 Local Waterfront Revitalization Program

Date: 05/18/2020



**HECTOR**  
 NEW YORK



NEW YORK  
 DEPARTMENT OF STATE



**Industrial:** *Seneca Lake* is used by U.S. Salt LLC as a source of freshwater for the operation of its plant, which mines and refines salts from underground deposits. The plant is located on the western shore outside of the WRA in the Town of Reading, but draws water from the lake within the WRA.

### Water-Enhanced Uses:

Seneca Lake is a major asset to the region and provides significant economic and recreational opportunity. Various businesses including hotels/motels, inns, resorts, restaurants, small retail shops, breweries, distilleries, and wineries rely on their beautiful views to Seneca Lake. These locations could foster further water-enhanced uses and increase waterfront access with minor improvements to docks, walkways/platforms, outdoor seating, and beaches. The only public space on the lake in the WRA is currently Smith Memorial Park, which offers water-enhanced uses such as camping and picnicking in addition to its water-dependent uses.

## Public Services, Infrastructure, & Facilities

### Water Supply

The Water District Department manages the potable water infrastructure for the Town of Hector which serves 1,300 people through 645 service connections. The Water Superintendent must approve all applications to obtain water service for a property or extend water mains. Water is sourced from a radial well and two active groundwater wells 34 and 37 feet deep, with an infiltration gallery. The wells are located in Smith Memorial Park and take some space away from the swimming area. Water is filtered and treated with chlorine, for disinfection, and blended with phosphate for corrosion control. The drinking water meets or exceeds state and federal regulations.<sup>14</sup>

In addition to publicly owned water systems, more than 50% of County residents obtain their water from private supplies and wells. The Watershed Protection Agency (WPA) under the Public Health and Community Services Agency of Schuyler County oversees countywide water services.<sup>15</sup>

### Wastewater Disposal

The Town's wastewater is primarily managed through individual Onsite Water Treatment Systems (OWTS), also commonly referred to as septic systems. These wastewater systems make up a majority of Schuyler County's water infrastructure. Approximately 75% of the County's population disposes of their wastewater through an OWTS.<sup>15</sup>

Since 2015, Seneca Lake has been designated a no discharge zone (NDZ) by the U.S. Environmental Protection Agency. There are several pump-out facilities for the boats on Seneca Lake outside of the WRA.<sup>16</sup>

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<sup>14</sup> [https://www.hectorny.us/sites/hectorny/files/uploads/awqr\\_hector\\_water\\_district\\_-2018.pdf](https://www.hectorny.us/sites/hectorny/files/uploads/awqr_hector_water_district_-2018.pdf)

<sup>15</sup> <https://www.schuylercounty.us/387/Water-Supply-Protection-Program>

<sup>16</sup> <https://www.epa.gov/vessels-marinas-and-ports/no-discharge-zones-ndzs-state#ny>

### Stormwater Runoff and Storm Drainage

The Town's stormwater is not publicly maintained beyond countywide watershed protection programs and efforts. Individual sites within the Town of Hector or the WRA may provide catch basins, silt ponds, bio-swales, and culverts to collect or divert stormwater into the surrounding lake and creeks. Otherwise stormwater runoff and drainage are subject to natural processes.

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*A majority of Schuyler County residents use individual septic systems and private wells/water sources*

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### Solid Waste Disposal

Solid waste collection in Hector is organized by the Town's Recycling and Composting Department. Waste services are operated by private waste management company Casella. The Town has its own single stream recycling program which follows a "zero-sort" approach. All other recycling, composting, electronics, and large materials not collected by curbside waste services can be dropped off on specific days throughout the year at the designated location near townhall.<sup>17</sup>

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*Watershed protection programs are key to protecting water resources from runoff*

---

### Wireless and Broadband

Residents of Northeast Schuyler County have coverage from one or more wireless service providers and access to broadband services at high download speeds over 100 Mbps.<sup>18, 19</sup>

## 2.3 Natural Resources & Environmental Assessment

### Significant Habitats & Remediation Sites

Seneca Lake is an excellent fishery known for lake trout, smallmouth bass, yellow perch, and rainbow trout. In addition, the Lake is increasingly known for brown trout and landlocked salmon as a result of successful hatchery program and the DEC's ongoing efforts to control populations of the parasitic sea lamprey.<sup>20</sup>

There are no NYS Significant Coastal Fish and Wildlife Habitats in the WRA or documented DEC-managed environmental remediation sites within the Town of Hector.

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<sup>17</sup> <https://www.hectorny.us/recycling-composting>

<sup>18</sup> NYS Residential Broadband availability Map, NYS Broadband Program Office, Esri, HERE, NPS, accessed via <https://map.nysbroadband.ny.gov/html5viewer/?viewer=broadband> 05/12/2020

<sup>19</sup> NYS Department of Public Service Office of Telecommunications, "Staff Assessment of Telecommunications Services" 2015, accessed via [http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/0766d31ed8df519185257d08004f2b09/\\$FILE/Staff\\_Assessment\\_of\\_Telecommunications\\_Services.pdf](http://www3.dps.ny.gov/W/PSCWeb.nsf/96f0fec0b45a3c6485257688006a701a/0766d31ed8df519185257d08004f2b09/$FILE/Staff_Assessment_of_Telecommunications_Services.pdf) 05/12/2020

<sup>20</sup> NYSDC, Waterbody Inventory/Priority Waterbodies List (WI/PWL) water quality assessment, 0414020108 Seneca/Big Stream watershed

## Water Quality

Seneca Lake is classified by the DEC as a Class B waterway: best usage for swimming and other contact recreation, but not for drinking water. Saw Mill Creek and Hector Falls Creek received a Class C designation: suitable for non - contact activities and waters supporting fisheries. Neither are listed on the EPA's impaired waters list.<sup>19</sup>

In a 2016 water quality assessment of southern Seneca Lake adjacent to the Village of Watkins Glen, recreation, aquatic life, and fish consumption were found to be suitable uses. Public bathing is suspected to be threatened by pathogens and other pollutants from inadequate wastewater treatment facilities in Watkins Glen. Algal blooms are also a threat to swimming and recreational uses. The new Catharine Valley Water Reclamation Facility wastewater treatment plant may help to improve water quality. In addition, proper management of wastewater and runoff are important to prevent excess nutrient loads and protect the water quality of the lake.<sup>19</sup>

## Wetlands, Nature Preserves, National Forests

There are no recognized national wetlands within the WRA boundaries.

**Finger Lakes National Forest**, New York State's only national forest, is adjacent to the WRA's eastern boundary within the Town of Hector. Located between both Seneca and Cayuga Lake, the designated forest area is approximately 16,212 acres. The forest is managed by the USDA Forest Service and features vast open lands, over 30 miles trails, steep gorges & ravines, and expansive woodlands. The forest is managed to provide a diversity of native plant and wildlife, quality foraging areas for free-range cattle, and recreational uses.<sup>21</sup>

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*Development in the WRA should incorporate necessary erosion, drainage, and run-off controls*

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## Topography, Geology, & Soils

### Topography

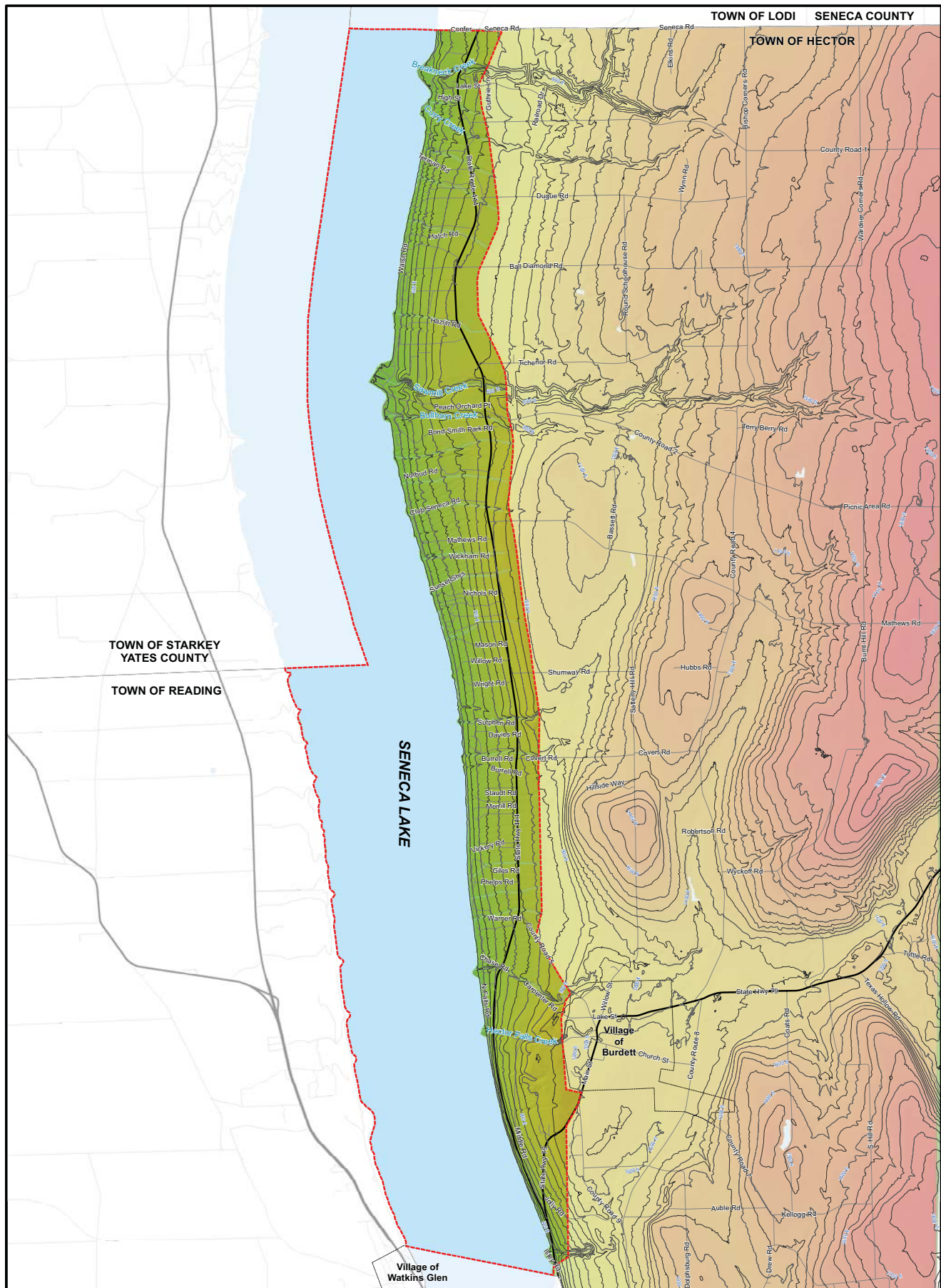
The majority of the WRA is on gradually downward sloping lands toward Seneca Lake. Areas along lake tributaries, creek beds, and Satterly Hill have steeper slopes. Site topography and erosion control is an important consideration for any new development.

### Soils

The WRA has approximately 52 different soil types. The most prominent is Schoharie silty clay loam (ScC3) with 8 to 15 percent slopes, which covers 343 acres (5%) of the WRA. The second most common soil type is Burdett silt loam (BuB) with 3 to 8 percent slopes, which covers 287.0 acres (4.2%). Lordstown channery silt loam (LoD) with 15 to 25 percent slopes is the third most common and is found in 268 acres (3.9%) of WRA soils.

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<sup>21</sup> <http://www.dec.ny.gov/outdoor/66666.html>



# **TOPOGRAPHIC RELIEF MAP**

**DRAFT**

- WRA Boundary
- Town\_Boundaries
- 20 ft Contour
- 50 ft Contour

This map was prepared for illustrative purposes only and is not suitable for engineering, surveying or legal purposes.

## **Town of Hector, New York** Local Waterfront Revitalization Program

Date: 6/6/2019



**ELAN**  
Planning / Design / Landscape Architecture PLLC

**Data Sources**  
NYS GIS Clearinghouse (gis.ny.gov)  
Imagery: ESRI

This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund



# Soil Map Units

- AnB
- AnC
- ApA
- ApB
- ArC
- AuB
- AuD
- AwB
- BuB
- BuC
- BuD
- Ce
- CoB
- CrA
- CrB
- CsB
- CsC
- DUE3
- DkC
- HSD
- HSE
- Ha
- HnB
- HrA
- HrB
- HrC
- HrCK
- HuB
- HuC
- LTE
- LTF
- LnB
- LnC
- LnD
- LoC
- LoD
- LsB
- Ma
- OdB
- Pt
- ROF
- Rh
- RnA
- RnB
- ScB3
- ScC3
- ScD3
- ShC3
- ShD3
- TuC
- UD
- VEE
- VHF
- VaB
- VaC
- VaD

## Surficial Geology and Soils

**DRAFT**

 WRA Boundary

### Surficial Geology Key

k: kame deposits

ls: lacustrine sand

lsc: lacustrine silt and clay

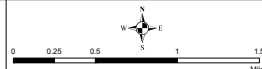
r: bedrock

t: till

28

## Town of Hector, New York Local Waterfront Revitalization Program

Date: 7/12/2019



**HECTOR**  
NEW YORK



NEW YORK  
Department of State

Data Sources  
NYS GIS Clearinghouse (gis.ny.gov)  
USDA Web Soil Survey  
Imagery: ESRI

This document was prepared with funding provided by the  
New York State Department of State under Title 11 of the  
Environmental Protection Fund

This map was prepared for illustrative purposes only and is not suitable for engineering, surveying or legal purposes.

Any development along regions that possess LoD or ScC3 soils should pose no immediate risks or concerns. The drainage value within these soil regions is moderate to very high and the potential for surface runoff is valued as moderately low to medium. The BuB soils may pose some development challenges, as their drainage values are poor and the potential for surface run-off is moderately high.<sup>22</sup> Soils with poor drainage/high water runoff can be managed via the implementation of bio-swales, retention ponds, and other stormwater management systems. For future development, it is recommended to conduct soil studies of each individual site.

## **Risk and Resiliency**

### **Hazards**

The Town of Hector is included in the Schuyler County Hazard Mitigation Plan. During the development of the plan, a County Emergency Preparedness Assessment (CEPA) was conducted with local, county, and state officials. Participants rated natural and human-caused disasters based upon their likelihood of occurring and their expected impact (see Table 6). The hazards that pose the highest risk (high likelihood and high impact) are flooding, severe wind/tornado, and cyber attacks. The hazards that pose the next highest risk are severe winter storms (high likelihood, medium impact), ice storms, pandemic, active shooter, and hazardous materials released in transit (all rated medium likelihood, high impact).

The Town of Hector has experienced several damaging floods in recent history including in 2013 (July and September), 2015 (June), and 2018 (July and August). Due to the steep slopes and gorges along creeks and lakes, Hector is susceptible to flash floods during periods of heavy rainfall. Erosion and debris can compound the flood risk (sediment, gravel, trees, and branches) by “clogging” streams and creeks leading to Seneca Lake and damaging property and streambeds. In the winter, ice jams can also cause flooding, as happened at the base of Hector Falls in 2014.

Residents of mobile homes near creeks and the lakeshore are particularly vulnerable to flooding as well as severe wind and tornados. Hector has the highest number of mobile homes in the county.<sup>23</sup>

### **Emergency Response**

The Town of Hector coordinates with the County and neighboring municipalities for disaster preparedness and emergency response. In accordance with the local management plan, the Town Supervisor is responsible for initiating an emergency response in cooperation with Town officials and department heads, the town highway department, the Fires and Rescue Squad Departments, the County Sheriff’s Department, and the Code Enforcer. Fire protection in Hector is provided by five departments: Valois Logan Hector Fire, Burdett Fire, Trumansburg Fire, Mecklenburg Fire, and Odessa Fire. When local resources are inadequate, the response is escalated to the Schuyler County Office of Emergency Management.

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<sup>22</sup> USDA NRCS Web-soil Survey<sup>8</sup>

<sup>23</sup> Schuyler County Haard Mitigation Plan 2016-2021

Table 6. Schuyler County Hazard Assessment 2015			
HAZARD	LIKELIHOOD	IMPACT	RELATIVE RISK SCORE
Flooding	High	High	16
Severe Wind/Tornado	High	High	16
Cyber Attack	High	High	16
Severe Winter Snowstorms	High	Medium	12
Ice storms (at least ½ inch or more)	Medium	High	12
Pandemic	Medium	High	12
Active Shooter	Medium	High	12
Hazmat Release – In Transit	Medium	High	12
Critical Infrastructure Failure	Low	Very High	10
Landslides	Medium	Medium	9
Food Contamination	Medium	Medium	9
Major Transportation Accident	Medium	Medium	9
Hurricanes / Tropical Storm (Wind and surge)	Low	High	8
Extreme Temperatures	High	Low	8
Biological Agent Release	Low	High	8
Improvised Explosive Device (IED) / Vehicle borne IED	Low	High	8
Radiological Dispersal Device (RDD)	Low	High	8
Earthquakes	Low	Medium	6
Drought	Medium	Low	6
Animal Disease / Foreign Animal Disease	Low	Medium	6
Wildfire	Medium	Low	6
HazMat Release	Low	Medium	6
Major Fires (non-wildfires)	Low	Medium	6
Internet Connectivity Failure	Low	Medium	6
Improvised Nuclear Device (IND)	Very Low	Very High	5
Sustained Power Outage (3 days or more)	Low	Low	4
Natural Gas/ Propane Storage	Low	Low	4
Radiological Release (Fixed-site)	Very Low	Low	2

Source: CEPA Hazard Assessment Ratings for Schuyler County (NYS Division of Homeland Security and Emergency Management, 2015), Schuyler County Hazard Mitigation Plan (2016-2021)

The Town and County's emergency management capabilities are limited by the prevalence of private roads, lands, and infrastructure (e.g. septic systems) in the WRA. Stormwater is not publicly maintained, with the exception of some culverts, so private property owners are responsible for managing runoff and drainage. This can make it difficult to coordinate risk reduction efforts and can slow response times, for example, when debris on private road blocks access to evacuation routes.



## 2.4 Public Access, Recreation, Scenic & Historic Resources

### Public Access and Recreation

#### Public Access & Recreation within the WRA

**Smith Memorial Park** is a 92-acre community park on the eastern shore of Seneca Lake with over 2,300 linear feet of waterfront. It is the Town's only public space providing lakefront access. Amenities include 64 wooded RV and tent camping sites, a small boat launch, swimming beach, event areas, two restroom/bathing facilities, nature trails, and a day-use activity area with picnic tables, beach volleyball, and play structures pavilions for group picnicking. The boat launch currently has a \$5 one-time fee or a \$35 seasonal pass. The Park is accessed via Bond Smith Park Road which is a through-road off of NYS Rt. 414 servicing adjacent residential areas.<sup>24</sup>

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*Upgrades are needed to realize the full potential of Smith Memorial Park, the only public recreational area with waterfront access in the WRA*

---

While the amenities are serviceable, many are deteriorating or do not sufficiently satisfy demand. The boat launch is small and its use is limited by a small parking lot that doesn't allow for many visitors. A large portion of camp sites remain without electricity. Circulation is confusing throughout the park and there are no ADA accessible/compliant access points to the water.

#### Public Access & Recreation near the WRA

**Clute Lakeside Park** is approximately 8 miles south of Hector. It includes 17 acres of public park space along the southern border between the Town of Hector and the Village of Watkins Glen. The park is owned by the Village of Watkins Glen. It features an enclosed pavilion for events and picnics, several docks, a skatepark, small beaches, and expansive open spaces along the water.

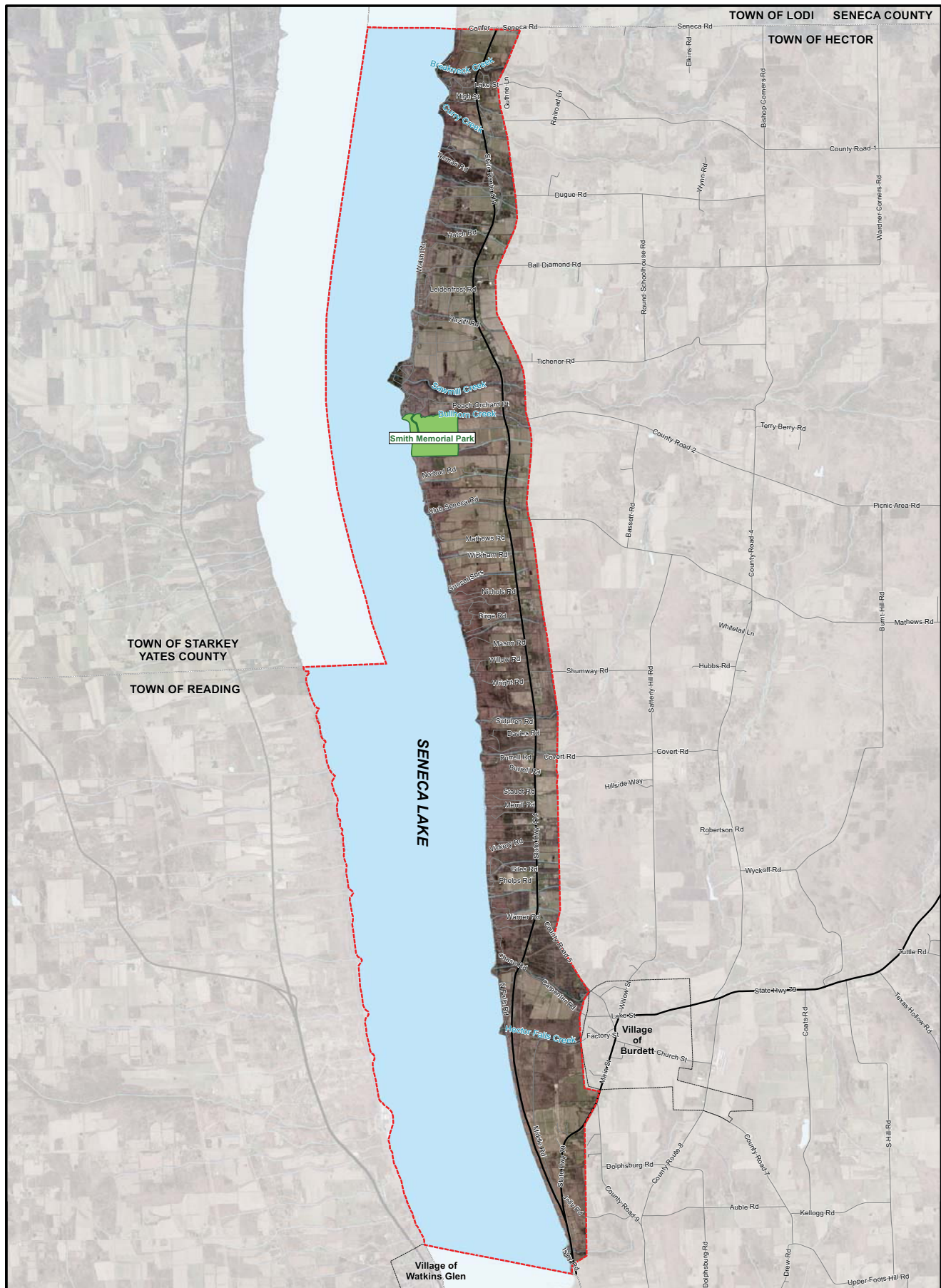
**Watkins Glen State Park**, one of the Finger Lake State Parks, is located just east of downtown Watkins Glen and 9 miles south of Hector. The State Park is a large stream-carved gorge and trail system that stretches over two miles. The trail system that follows offers visitors scenic views of water cut cliffs, deep ravines, and cascading waterfalls. There are scheduled summer tours through the gorge, tent and trailer campsites, picnic facilities and fishing opportunities in nearby Seneca Lake or Catherine Creek.

### Cultural, Archaeological, & Historic Resources

The Town's location on Seneca Lake and proximity to other Finger Lakes, vast forests and open lands, has shaped the history of the Town. Due to Hector's early settlement and stable development, approximately 38.3% of homes within the Town are built prior to 1939. The Town and WRA possesses one nationally registered historic place.




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<sup>24</sup> <https://www.hectorny.us/parks-recreation>



## PARKS AND RECREATION SITES

**DRAFT**

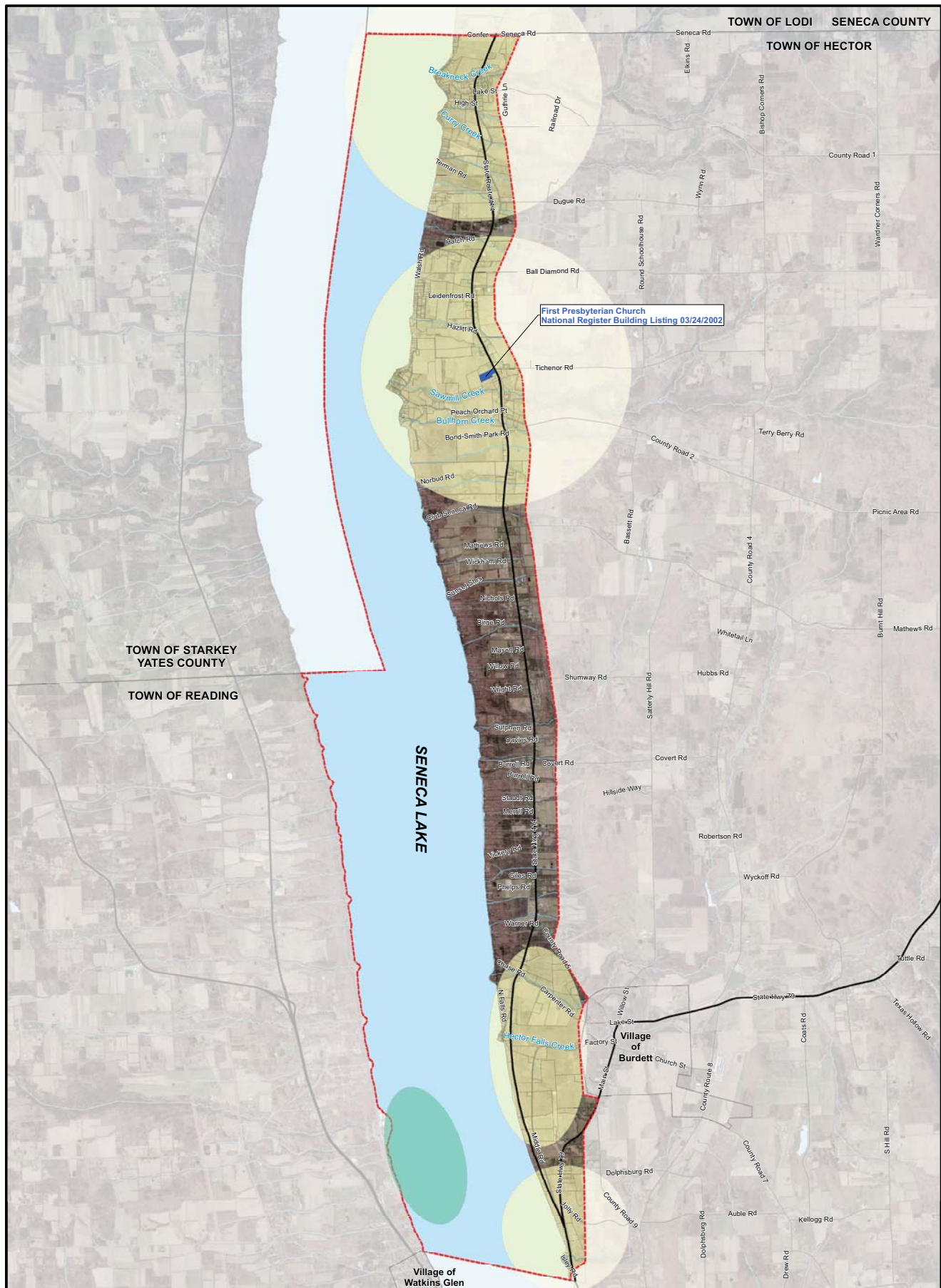
-  WRA Boundary
-  Parks and Recreation Sites
-  Town of Hector Parcels

## Town of Hector, New York Local Waterfront Revitalization Program

Date: 7/24/2020







## Historic and Cultural Features

**DRAFT**



WRA Boundary



National Register Sites



Hector Parcels (2018)



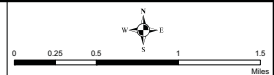
Archaeological Sensitive Areas\*



FLUPA Designated Sites

## Town of Hector, New York Local Waterfront Revitalization Program

Date: 5/19/2019





**The First Presbyterian Church of Hector** was listed on the National Register of Historic Places in 2001. The church is located along the northern end of the Town and WRA, specifically at the intersection of Route 414 and Tichenor Road. The church was built in 1818 and features a mix of architectural and design styles including Federal era framing, Georgian decorative features, New England style, and a single balustraded steeple.<sup>25</sup>

**Historic Shipwrecks** – Over a dozen wrecks and potential archaeological sites are located on the bed of Seneca Lake, including several in the WRA area near the southwestern shore of Seneca Lake.<sup>26</sup> These have been mapped by the Finger Lakes Underwater Preserve Association (FLUPA) in the area indicated on map 12. Many of the wrecks are canal boats dating back to the 19<sup>th</sup> Century. Those older than fifty years are protected under the Federal Abandoned Shipwreck Act of 1987 as public cultural resources to be managed by New York State. Due to the natural conditions of the lake, these wrecks are well-preserved and can provide valuable insight into the canal and maritime history of the region.<sup>27</sup>

## 2.5 Analysis

### Summary and strengths

The Town of Hector's Waterfront Revitalization Area is rich in natural resources and beauty. Located on the shores of Seneca Lake, it remains true to its rural and agricultural roots and is well known for its wineries, breweries, and scenic farmland. Complementary plans and initiatives, including the 2015 Town of Hector Comprehensive Plan, have laid the groundwork for a successful LWRP.

The WRA has a small, stable population of working professionals with relatively high median incomes and high rates of homeownership. The workforce has diversified toward the service sector, though agriculture and manufacturing remain relevant industries. This is reflected in local land use patterns. Forty-percent of the WRA is residential including a large number of seasonal and recreational houses near the waterfront, and 25% is agricultural. Another 25% is vacant, presenting an opportunity for further development that is compatible with water-dependent and water-enhanced uses.

The WRA hosts a variety of businesses, tourist destinations, and recreational areas, many of which are situated along the NYS Route 414 corridor upslope from the Lake. These include vineyards, distilleries, farms, lodging, retail shops, bars and restaurants, trails, and public parks.

Approximately 16% of Seneca Lake's surface area falls within the WRA, as well as over three dozen creeks and Hector Falls, a popular tourist site. The lake is open year round for fishing lake trout, brown trout, rainbow trout, and landlocked salmon and the WRA is free from navigational hazards. The WRA offers a

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<sup>25</sup> <https://cris.parks.ny.gov/>

<sup>26</sup> <http://www.flupa.org/resources/resources-pdf/Seneca-Pamplet.pdf>

<sup>27</sup> <https://nystateparks.blog/2019/07/30/seneca-lake-surrenders-its-watery-secrets/>

variety of water uses including swimming, boating, diving, and water sports. Ninety-nine acres of the WRA are publicly owned by the Town of Hector including the 92-acre Smith Memorial Park.

## Challenges

The inventory of the WRA reveals some areas for further development and improvement.

In terms of governance, the Town of Hector has an up-to-date comprehensive plan, but does not utilize zoning or land use regulations; most potable water sources and wastewater treatment systems are privately owned and operated; and while it contributed to the Schuyler County hazards assessment, the Town does not have a strategy to reduce or manage its risks. As a result, the Town is limited in its ability to direct growth and development in a way that is in the best interest of residents and the environment. Limited municipal services and infrastructure could also be a deterrent to certain businesses or potential residents.

Hector's population, though stable, is also relatively older than the surrounding region and distributed over a wider area. The low population density can make it difficult for landowners and businesses to collaborate and innovate. Finding ways to better connect businesses, residents, and visitors (both literally and figuratively) and to attract younger, more diverse populations could be important to sustaining the community in the long-term.

Regarding water uses, public infrastructure and access areas on the waterfront are underdeveloped. Smith Memorial Park is the only public recreational area in the WRA, with the only public swimming area and boat launch. There are also concerns about pollutants and excess nutrient loads entering the Seneca lake and limited or unsafe access to attractions such as Hector Falls.

## Opportunities

Fortunately, there are many ways Hector can build on its existing assets in the waterfront revitalization area to encourage continued development that protects scenic and natural resources while improving quality of life.

First, the Town could explore opportunities for smart growth and development along the Route 414 corridor. To begin, the Town could complete a series of assessments such as a traffic study, retail and market analysis, housing analysis, multi-modal transportation study, public health and safety study, risk and resilience assessment, etc to better understand the needs of tourists, residents, and businesses. These assessments could inform strategic investments in placemaking development that will preserve the character of the community while providing additional spaces for commercial activity, community services, and tourism, including water-related uses.

Second, the Town could enhance safe public access to Seneca Lake and associated creeks. This could be achieved through improvements to and expansion of public access points, infrastructure, facilities, amenities, events, and programming at Smith Memorial Park and other sites in the WRA such as Hector Falls. The Town could seek opportunities to acquire and convert additional land to public recreation areas. These areas could be sited adjacent to Smith Memorial Park or other waterfront sites in the WRA. In addition, the Town could encourage local businesses and property owners to increase water-dependent and water-enhanced uses, for example, by taking advantage of scenic locations and offering additional waterfront recreational opportunities.

Third, the Town could enhance promotion of area attractions including businesses and natural resources. Through a targeted branding and marketing strategy, the Town could promote existing natural resources including Hector Falls, Seneca Lake, forested areas, and agricultural lands and continue to build Hector's reputation as a destination for craft beverages, hiking, biking and adventure sports. The strategy could leverage Route 414's designation as the Seneca Lake Scenic Byway to create further linkages between local businesses and population centers. These linkages could be physical (e.g. new trails, bike lanes, visitor centers, tour routes and stops, wayfinding signage) or organizational (e.g. new partnerships, programs, events). In addition, Hector could seek further recognition of historic and cultural sites to expand its appeal as site for heritage tourism.

Last, the Town could improve environmental protections and public safety. To reduce the risk of pollution, the Town could consider expanding municipal water and sewer services and educating private landowners about water quality protection measures. One measure under consideration is for Hector to connect to the new Catharine Valley Water Reclamation Facility (wastewater treatment plant) being built for Watkins Glen and Montour. The Town could also explore more proactive ways to mitigate hazards including flooding and erosion. This might result in new resilience strategies, regulations, management practices, or awareness-raising techniques. Mitigation measures should incorporate nature-based solutions and green infrastructure where feasible.

By pursuing long-term investments in the Waterfront Revitalization Area, the Town of Hector can solidify its reputation as a great place to live, work, and visit for current and future generations.





Photo: Seneca Lake

## Section III.

### Local Waterfront Revitalization Policies

This section presents policies of the New York State Coastal Management Program that shall apply to the Town of Hector. The policies facilitate coordination between both local government and State agencies for inland waterway resources within the Town's Waterfront Revitalization Area (WRA).

The State Coastal Policies are legal statements, enforceable through NYS and local Laws. These policies manage and support the most efficient and beneficial uses of waterfront resources. More specifically, the policies aid governmental agencies in the regulation and prevention of water resource impairment, while also encouraging a balance between both economic development and land/water preservation.

#### SECTION CONTENTS

##### 3.1 Local Responsibility

##### 3.2 Policies

## 3.1 Local Responsibility

The Town of Hector is responsible for implementing the policies set forth for its specific WRA boundaries. Actions undertaken in the WRA by any actor including both Federal and State government actions shall abide by these policies. In addition, both Federal and State government actions shall endeavor to be consistent with the strategies outlined in with the LWRP.

## 3.2 Index of Policies

Listed below are the 44 State Coastal Management Policies of which 36 apply to Hector Waterfront Revitalization Area (WRA) as illustrated in Section I of this LWRP. Following each policy statement is an explanation of the policy, including any local refinement for the town of Hector WRA.

These polices are organized under eleven subject areas:

- Development Policies (1-6)
- Fish and Wildlife Policies (7-10)
- Flooding and Erosion Hazards Policies (11-17)
- General Policy (18)
- Public Access Policies (19 and 10)
- Recreation Policies (21 and 22)
- Historic and Scenic Resources Policies (23-25)
- Agricultural Lands Policy (26)
- Energy and Ice Management Policies (27-29)
- Water and Air Resources Policies (30-43)
- Wetlands Policy (44)

### Development Policies

#### Policy 1

**Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.**

#### Explanation of Policy

State and local agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to businesses; and establishment of enterprise zones, are all examples of governmental means for spurring economic growth. When any such action or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront

areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort. (Refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; (3) The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

Local governments through waterfront revitalization programs have the primary responsibility for implementing this policy. Though local waterfront revitalization programs need not be limited to redevelopment, local governments are urged to identify areas as suitable for redevelopment and establish and enforce redevelopment programs.

1. When a State or local action is proposed to take place in an urban waterfront area regarded as suitable for redevelopment, the following guidelines will be used:
  - a. Priority should be given to uses which are dependent on a location adjacent to the water;
  - b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development;
  - c. The action should serve as a catalyst to private investment in the area;
  - d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline;
  - e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
  - f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands is expected and existing development is already meeting demand;
  - g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner;
  - h. The action should have the potential to improve the potential for multiple uses of the site.
2. If a State or local action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent waterfront community, the agency proposing the action must first determine if it is feasible to take the



action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

### **Local refinement**

The Town of Hector will revitalize particularly underutilized areas of the WRA including Smith Memorial Park and adjacent parcels to better accommodate recreational activities, improve safety, and enhance public access.

## **Policy 2**

### **Facilitate the siting of water dependent uses and facilities on or adjacent to inland waterways.**

#### **Explanation of Policy**

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis, the only reasonable expectation is that long-term demand for waterfront space will intensify.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's inland waterways. To ensure that such "water-dependent" uses can continue to be accommodated within the State, State agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water dependent uses; furthermore, agencies will utilize appropriate existing programs to encourage water dependent activities.

Water dependent activities shall not be considered a private nuisance, provided such activities were commenced prior to the surrounding activities and have not been determined to be the cause of conditions dangerous to life or health and any disturbance to enjoyment of land and water has not materially increased.

A water dependent use is an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

The following uses and facilities are considered as water-dependent:

1. Uses which depend on the utilization of resources found in inland waterways (for example: fishing, mining of sand and gravel, aquaculture activities);
2. Recreational activities which depend on access to inland waterways (for example: swimming, fishing, boating, wildlife viewing);
3. Uses involved in the waterway/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities);
4. Structures needed for navigational purposes (for example: dams, locks, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);

6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants);
8. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries);
9. Uses which operate under such severe time constraints that proximity to shipping facilities become critical (for example: firms processing perishable foods);
10. Scientific/educational activities which, by their nature, require access to inland waterways (for example: certain meteorological and scientific activities);
11. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

In addition to water dependent uses, those uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water-enhanced use is defined as a use or activity which does not require a location adjacent to or over inland waterways, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant which uses good site design to take advantage of a waterfront view is an example of a water-enhanced use.

If there is no immediate demand for a water dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water dependent uses should be considered preferable to a non-water dependent or enhanced use which involves an irreversible or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would likely be considered as "temporary" non-water-dependent uses.

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used:

1. Competition for space - competition for space, or the potential for it, should be indicated before any given site is promoted for water dependent uses. The intent is to match water dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water dependent development.

2. In-place facilities and services - most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
  - a) The availability of public sewers, public water lines and adequate power supply;
  - b) Access to the area for trucks and rail, if heavy industry is to be accommodated; and
  - c) Access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels - if commercial shipping, commercial fishing, or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other inland waterway resources – water dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent use and adjacent uses can serve to complement one another. For example, a recreation-oriented water dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water-oriented tourist activities. Water dependent uses must also be sited so as to avoid adverse impacts on the significant inland waterway resources.
5. Preference to underutilized sites: The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.
6. Providing for expansion - a primary objective of the policy is to create a process by which water dependent uses can be accommodated well into the future. State agencies and localities should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

In promoting water dependent uses, the following kinds of actions will be considered:

1. Favored treatment to water dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port or harbor facilities, roads, railroad facilities, and public transportation within areas suitable for water dependent uses.
2. When areas suitable for water dependent uses are publicly owned, favored leasing arrangements should be given to water dependent uses.
3. Where possible, consideration should be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.



4. State and local planning and economic development agencies should actively promote water dependent uses. In addition, a list of sites available for non-water-dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local and State agencies should work together to streamline permitting procedures that may be burdensome to water dependent uses. This effort should begin for specific uses in a particular area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses.

#### **Local refinement**

The Town of Hector will add and expand facilities on public land and will facilitate, where feasible, water-dependent uses on private land along the shoreline of Seneca Lake and creeks in the WRA.

#### **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.**

This policy is not applicable to Hector as the town is not located within or along any of the noted State major port areas.

#### **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.**

Hector does not have a harbor area nor does it have a unique maritime identity.

#### **Policy 5**

**Encourage the location of development in areas where public services and facilities essential to such development are adequate.**

#### **Explanation of Policy**

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the shorefront area will be encouraged to locate within, contiguous to, or in close proximity to,

existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

- strengthen existing residential, industrial and commercial centers;
- foster an orderly pattern of growth where outward expansion is occurring;
- increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- preserve open space in sufficient amounts and where desirable
- foster energy conservation by encouraging proximity between home, work, and leisure activities.

For any action that would result in large scale development or an action which would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the shorefront area are generally areas of concentrated development where infrastructure and public services are adequate.
2. Other locations in the shorefront area may also be suitable for development, if three or more of the following conditions prevail:
  - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
  - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one-mile radius of the proposed site are vacant;
  - c. Proposed site is served by or is near to public or private sewer and water lines;
  - d. Public transportation service is available within one mile of the proposed site; and
  - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.
3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
  - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
  - b. Development's water needs (consumptive and firefighting) can be met by the existing water supply system;
  - c. Sewage disposal system can accommodate the wastes generated by the development;
  - d. Energy needs of the proposed land development can be accommodated by existing utility systems;

- e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
- f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this development policy does not apply to the following types of development projects and activities.

1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
2. Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
3. Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
4. Water dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
5. Development which because of its isolated location and small scale has little or no potential to generate and/or encourage further land development.
6. Uses and/or activities which because of public safety consideration should be located away from populous areas.
7. Rehabilitation or restoration of existing structures and facilities.
8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and local agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

#### **Local refinement**

The town of Hector shall encourage infill and sustainable development that preserves existing land uses such as agriculture and viticulture.

## **Policy 6**

**Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.**

### **Explanation of Policy**

For specific types of development activities, and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization of Coastal Areas and Inland Waterways Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden on a particular type of development and does not jeopardize the integrity of the regulations' objectives.

## **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.**

Under the current requirements this policy does not apply to the town of Hector.

### **Policy 8**

**Protect fish and wildlife resources in the waterfront revitalization area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.**

### **Explanation of Policy**

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [§27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or otherwise managed." A list of hazardous wastes (NYCRR Part 371) is provided by DEC.



The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land, and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes generated from point and non-point sources and not identified as hazardous wastes but controlled through other State laws cited below.<sup>1</sup>

#### **Local refinement**

Within the town of Hector all solid or liquid wastes shall only be discharged in strict accordance with the existing regulations. Of particular concern is unregulated discharge into Seneca Lake or its tributaries.

### **Policy 9**

**Expand recreational use of fish and wildlife resources in the waterfront revitalization area by increasing access to existing resources, supplementing existing stocks, and developing new resources.**

#### **Explanation of Policy**

Recreational uses of fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching, and nature study.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in the waterfront revitalization area and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

The following additional guidelines should be considered by State and local agencies as they determine the consistency of their proposed action with the above policy:

1. Consideration should be made by local and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

<sup>1</sup> [http://www.dos.ny.gov/opd/programs/pdfs/NY\\_CMP.pdf](http://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf) , Part II Section 6, page 28

4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

#### **Local refinement**

The town of Hector will provide public access to the shoreline of Seneca Lake for recreation including fishing and boating. Smith Memorial Park will serve as one such access point.

#### **Policy 10**

**Further develop commercial finfish, shellfish, and crustacean resources in the inland waterway 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.**

This policy is not applicable to the town of Hector as the town does not possess any commercial fishing activities.

### **Flooding and Erosion Hazards Policies**

#### **Policy 11**

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

#### **Explanation of Policy**

On waterfront lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks, and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion and the protection provided by existing erosion protection structures, as well as by natural protective features such as beaches, sandbars, spits, shoals, barrier islands, bay barriers, nearshore areas, bluffs, and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in 6 NYCRR Part 505.2(x). Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In high risk areas, identified as being subject to high velocity waters caused by hurricanes or other storm events, walled and roofed buildings or fuel storage tanks shall be sited landward, and no mobile home shall be sited in such area. In areas identified as floodways, no mobile homes shall be sited other than in existing mobile home parks.

Where human lives may be endangered by major storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

### **Policy 12**

**Activities or development in the waterfront revitalization 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.**

#### **Explanation of Policy**

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard shorefront lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of shorefront features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse actions are minimized. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

#### **Local refinement**

While there are no dunes, barrier islands and bluffs in the town of Hector, there are beaches and a series of stream tributaries that carry stormwater to Seneca Lake.

### **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.**

#### **Explanation of Policy**

Erosion protection structures are widely used throughout the State's waterfront areas. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

### **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.**

#### **Explanation of Policy**



Erosion and flooding are processes which occur naturally. However, by our actions, humans can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

### **Policy 15**

**Mining, excavation, or dredging in inland waterways shall not significantly interfere with the natural inland waterway 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.**

#### **Explanation of Policy**

Inland Waterway processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

#### **Local refinement**

This policy is not directly applicable to the town of Hector under typical conditions. However, after storm events there may be a need to excavate materials that accumulate at the edge of Seneca lake after they are transported by the various tributaries.

### **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.**

#### **Explanation of Policy**

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the shorefront area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

## **Policy 17**

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

### **Explanation of Policy**

1. This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the inland waterway or coastal area, as well as the costs of protection against those hazards which structural measures entail.
2. "Non-structural measures" shall include, but not be limited to: (1) within coastal erosion hazard areas identified under Section 0104 of Coastal Erosion Hazard Areas law, (Environmental Conservation Law Article 34), and subject to the permit requirements on all regulated activities and development established under that Law, (a) the use of minimum setbacks as provided for in Section 0108 of Environmental Conservation Law Article 34; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and (2) within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.
3. This policy shall apply to the planning, siting, and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.
4. In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

## **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 waterfront revitalization area must give full consideration to those interests and to the safeguards which the State has established to protect valuable inland waterway resource areas.**

### **Explanation of Policy**

Proposed major actions may be undertaken in the waterfront revitalization area if they will not significantly impair valuable inland waterway resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

## **Public Access Policies**

### **Policy 19**

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

#### **Explanation of Policy**

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential shorefront recreation sites within the heavily populated urban shorefront areas of the State and to increasing the ability of urban residents to get to shorefront recreation areas by improved public transportation. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Waterfront Revitalization of Coastal Areas and Inland Waterways Program will encourage mixed use areas and multiple use of facilities to improve access. Specific sites requiring access improvements and the relative priority the program will accord to each will be identified in the Public Access Planning Process.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access, or unless such actions are found to be necessary by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet system-wide objectives.

The following is an explanation of the terms used in the above guidelines:

- a) Access - the ability and right of the public to reach and use public inland waterway lands and waters.



- b) Public water related recreation resources of facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
  - c) Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
  - d) A reduction in the existing level of public access - includes, but is not limited to, the following:
    - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
    - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
    - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
    - (4) There are substantial increases in the following: already existing special fares (not to include regular fares in any instance) of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
  - e) An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
    - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities
    - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility
    - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
- a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

- b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
- 4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation, within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

#### **Local refinement**

The town of Hector prioritizes improvements to Smith Memorial Park as the primary means of public access to Seneca Lake for recreational activities. The Town will also seek opportunities to acquire additional land adjacent to Seneca Lake and creeks in the WRA to increase public access to water related recreational resources.

#### **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.**

#### **Explanation of Policy**

In inland waterway areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands along the inland waterway at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention from the Waterfront Revitalization of Coastal Areas and Inland Waterways Program. These include: the development of a waterfront trails system; the provision of access across transportation facilities to the waterfront; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile inland waterway resources.

The regulation of projects and structures, proposed to be constructed in or over lands underwater, is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

The following guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public inland waterway lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public inland waterway lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit or, in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above guidelines:

- a) (See definitions under first policy of "access" and "public lands or facilities").
- b) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
  - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
  - (2) Pedestrian access is diminished or blocked completely by public or private development.
- c) An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
  - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public inland waterway lands and /or waters
  - (2) Sale, lease, or other conveyance of public lands that could provide public access to public inland waterway lands and/or waters
  - (3) Construction of private facilities which physically prevent the provision of convenient public access to public inland waterway lands and/or waters from public lands and facilities

2. The existing level of public access within public inland waterway lands or waters shall not be reduced or eliminated.
  - a) A reduction or elimination in the existing level of public access - includes, but is not limited to, the following:



- (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities
  - (2) Access is reduced or blocked completely by any public developments
3. Public access from the nearest public roadway to the shoreline and along the inland waterway shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile inland waterway resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.
4. The State will not undertake or directly fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to inland waterway lands and waters shall be analyzed according to the following factors:
  - a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the inland waterway lands or waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
7. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection, and access to the navigable waters of the state. In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.

#### **Local policy**

The town of Hector seeks to maintain all existing public lands adjacent to the water's edge including Smith Memorial Park and any subsequent easements on or acquisition of lands adjacent to the waterfront. The Town will also prioritize improved public access from the Seneca Lake Scenic Byway (NYS Route 414) to inland waterways and sites including Hector Falls.

#### **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 shorefront.**

### **Explanation of Policy**

Water-related recreation includes such obviously water dependent activities as boating, swimming, and fishing as well as certain activities which are enhanced by a shorefront location and increase the general public's access to the shorefront such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of shorefront scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important waterfront revitalization area resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-water-dependent uses, including non-water-related recreation uses. In addition, water dependent recreation uses shall have a higher priority over water-enhanced recreation use. Determining a priority among water-dependent uses will require a case by case analysis.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the shorefront can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. The Department of State, working with the Office of Parks, Recreation, and Historic Preservation and with local governments, will identify communities whose use of the shore has been so restricted and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other inland waterway resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump-out facilities. Harbors of Refuge are particularly needed along Lake Erie and Lake Ontario. There is a need for a better positional pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Water-related off-road recreational vehicle use is an acceptable activity; provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented, where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced. Ground water contamination presents a threat to Fire Island National Seashore water resources.

### **Local refinement**

See discussion of Policies 2 & 19.

## 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.**

### Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple-use include, but are not limited to:

- parks
- highways
- power plants
- utility transmission rights of way
- sewage treatment facilities
- mental health facilities\*
- hospitals\*
- prisons\*
- schools, universities\*
- military facilities\*
- nature preserves\*
- large residential subdivisions (50 units)
- shopping centers
- office buildings

*\* The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.*

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and if there is an approved local waterfront program, with the municipality in which the development is to locate, to determine appropriate recreation uses. The agency should provide OPRHP and the municipality with the opportunity to participate in project planning.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreation facilities.

Whenever a proposed development would be consistent with LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of urban areas).

## 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.**

#### Explanation of Policy

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include active efforts, when appropriate, to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the waterfront revitalization area it will actively promote the preservation of historic and cultural resources which have a waterfront relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation comprise the following resources:

- (a) A resource, which is in a federal or State park established, among other reasons, to protect and preserve the resource.
- (b) A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
- (c) A resource on or nominated to be on the State Nature and Historic Preserve Trust.
- (d) An archaeological resource which is on the State Department of Education's inventory of archaeological sites.
- (e) A local landmark, park, or locally designated historic district which is located within the boundary of an approved local waterfront revitalization program.
- (f) A resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:



- (a) Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials, entry ways and doors, fenestration, lighting fixtures, roofing, sculpture and carving, steps, rails, fencing, windows, vents and other openings, grillwork, signs, canopies, and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
- (b) Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building, structure or earthwork.
- (c) All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and location relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

## **Policy 24**

### **Prevent impairment of scenic resources of statewide significance.**

The town of Hector does not possess any Scenic Areas of Statewide Significance (SASS).

## 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 waterfront revitalization area.**

### Explanation of Policy

When considering a proposed action which would not affect a scenic resource of statewide significance, agencies shall ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the waterfront revitalization area. Activities which could impair or further degrade scenic quality are the same as those cited under the previous policy, i.e., modification of natural landforms, removal of vegetation, etc. However, the effects of these activities would not be considered as serious for the general waterfront revitalization area as for significant scenic areas.

The siting and design guidelines listed under the previous policy should be considered for proposed actions within the waterfront revitalization area. More emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance. Removal of vegetation at key points to improve visual access to inland waterways is one such change which might be expected to enhance scenic quality.

## Agricultural Lands Policy

## Policy 26

**Conserve and protect agricultural lands in the waterfront revitalization area.**

### Explanation of Policy

The first step in conserving agricultural lands is the identification of such lands. The Department of State is mapping all important agricultural lands within the State. The following criteria have been used to prepare the maps, and the mapped information will be incorporated in the New York State Coastal Resources Inventory and on the Coastal Area Map.

Land meeting any of the following criteria is being mapped.<sup>2</sup>

1. Land which meets the definition of the U.S. Department of Agriculture as being prime farmland, unique farmland, or farmland of statewide importance.
  - a. Prime farmland is defined by USDA Soil Conservation Service in CRF #7 Agriculture Part 657.5(a), January 1979. A list of the soil associations that meet this definition has been prepared for each county.<sup>3</sup>

<sup>2</sup> N.Y.S. Public Authority Law, Article 3, Title 3.

<sup>3</sup> After mapping according to this definition was substantially completed, the NYS Department of Agriculture and Markets completed development of a new agricultural land classification system. As soon as is practical, the following definition will be the basis for revising the maps of coastal agricultural land. Important agricultural land shall include all land within an

- b. Unique farmland is defined by USDASCS in CRF #7 Agriculture Part 657.5(b). In the coastal area of New York State all fruit and vegetable farming meets the terms of the definition.
  - c. Farmland of Statewide importance is defined by USDASCS in CRF #7 Agriculture Part 656.5(c). Lists of soil associations which constitute farmland of statewide importance have been prepared for each county.
2. Active farmland within Agricultural Districts. The maps of each Agricultural District show land committed by farmers. This is the land that will be mapped as active farmland. The district boundary will also be shown.
  3. Areas identified as having high economic viability for farming. Any farm not identified above in 1 and/or 2, and which is located in an area identified as having "high viability" on the map entitled "Economic Viability of Farm Areas" prepared by the Office of Planning Coordination in May, 1969. This would be the basis for initial identification of areas having high economic viability for farming. Areas will be added and/or deleted based on comments from the agricultural community.
  4. Areas adjacent to land identified above in 1, when are being farmed and are part of a farm with identified important agricultural lands.
  5. Prime farmland, unique farmland, and farmland of statewide significance will not be identified as important agricultural land whenever it occurs as parcels of land less than 25 acres in size and these small parcels are not within a mile of areas of active farming.

Given the Program's application to a narrow strip of land, implementing a policy of promoting agricultural use of land must, to be practical, concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. The many other factors such as markets, taxes, and regulations, which influence the viability of agriculture in a given area, can only be addressed on a Statewide or national basis.

The Program policy requires a concern for the loss of any important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant effect on an agricultural area's ability to continue to exist, to prosper, and even to expand. A series of determinations are necessary to establish whether a public action is consistent with the conservation and protection of agricultural lands, or whether it is likely to be harmful to the health of an agricultural area. In brief, these determinations are as follows: First, it must be determined whether a proposed public action would result in the loss of important agricultural lands as mapped. If it would not result, either directly or indirectly, in the loss of identified important agricultural lands, then the action is consistent with the policy on agriculture. If it is determined that the action would result in a loss of identified important agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, then the action may also be consistent with this policy. However, in that case, the action must be undertaken in a manner that would minimize the loss of important

agricultural district or subject to an eight-year commitment that has been farmed within at least two of the last five years, or any land farmed within at least two of the last five years in soil groups 1-4 as classified by the Land Classification System established by the NYS Department of Agriculture and Markets, or any land farmed within at least two of the last five years that is influenced by climate conditions and that support the growth of high value crops. Additionally, agricultural land not meeting the above criteria but located adjacent to any such land and forming part of an on-going agricultural enterprise shall be considered important agricultural land.

farmland. If the action is determined to result in a significant loss of important agricultural land, that is if the loss is to a degree sufficient to adversely affect surrounding agriculture's viability -- its ability to continue to exist, to prosper, and even to expand -- then the action is not consistent with this agriculture policy.

The following guidelines define more fully what must be considered in making the above determinations:

- A. A public action would be likely to significantly impair the viability of an agricultural area in which identified important agricultural lands are located if:
  - 1. The action would occur on identified important agricultural land and would:
    - (a) Consume more than 10% of the land of an active farm<sup>4</sup> containing such identified important agricultural lands
    - (b) Consume a total of 100 acres or more of identified important agricultural land, or
    - (c) Divide an active farm with identified important agricultural land into two or more parts, thus impeding efficient farm operation
  - 2. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of any identified important agricultural lands.
  - 3. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:
    - (a) Public water or sewer facilities to serve non-farm structures.
    - (b) Transportation, improvements, except for maintenance of, and safety improvements to, existing facilities that serve non-farm or non-farm related development
    - (c) Major non-agribusiness commercial development adjacent to identified agricultural lands
    - (d) Major public institutions
    - (e) Residential uses other than farm dwellings
    - (f) Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land
- B. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
  - 1. Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income.

<sup>4</sup> A farm is defined as an area of at least 10 acres devoted to agricultural production as defined in the Agricultural District Law and from which agricultural products have yielded gross receipts of \$10,000 in the past year.



2. Agribusiness development, which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation, e.g., milk hauler, grain dealer, farm machinery dealer, veterinarian, food processing plants.
- C. In determining whether an action that would result in the loss of farmland is of overriding regional or statewide benefit, the following factors should be considered:
1. For an action to be considered overriding, it must be shown to provide significantly greater benefits to the region or State than are provided by the affected agricultural area (not merely the land directly affected by the action). In determining the benefits of the affected agriculture to the region or State, consideration must be given to its social and cultural value, its economic viability, its environmental benefits, its existing and potential contribution to food or fiber production in the State and any State food policy, as well as its direct economic benefits.
    - a. An agricultural area is an area predominantly in farming and in which the farms produce similar products and/or rely on the same agribusiness support services and are to be a significant degree economically interdependent. At a minimum, this area should consist of at least 500 acres of identified important agriculture land. For the purpose of analyzing impacts of any action on agriculture, the boundary of such area need not be restricted to land within the waterfront revitalization area. If the affected agricultural lands lie within an agricultural district then, at a minimum, the agricultural area should include the entire agricultural district.
    - b. In determining the benefits of an agricultural area, its relationship to agricultural lands outside the area should also be considered.
    - c. The estimate of the economic viability of the affected agricultural area should be based on an assessment of:
      - i. soil resources, topography, conditions of climate and water resources
      - ii. availability of agribusiness and other support services, and the level and condition of investments in farm real estate, livestock and equipment
      - iii. the level of farming skills as evidenced by income obtained, yield estimates for crops, and costs being experienced with the present types and conditions of buildings, equipment, and cropland
      - iv. use of new technology and the rates at which new technology is adopted
      - v. competition from substitute products and other farming regions and trends in total demand for given products
      - vi. patterns of farm ownership for their effect on farm efficiency and the likelihood that farms will remain in use
    - d. The estimate of the social and cultural value of farming in the area should be based on an analysis of:
      - i. the history of farming in the area

- ii. the length of time farms have remained in one family
    - iii. the degree to which farmers in the area share a cultural or ethnic heritage
    - iv. the extent to which products are sold and consumed locally
    - v. the degree to which a specific crop(s) has become identified with a community
  - e. An estimate of the environmental benefits of the affected agriculture should be based on analysis of:
    - i. the extent to which the affected agriculture as currently practiced provides a habitat or food for wildlife
    - ii. the extent to which a farm landscape adds to the visual quality of an area
    - iii. any regional or local open space plans, and degree to which the open space contributes to air quality
    - iv. the degree to which the affected agriculture does, or could, contribute to the establishment of a clear edge between rural and urban development
- D. Whenever a proposed action is determined to have an insignificant adverse effect on identified important agricultural land or whenever it is permitted to substantially hinder the achievement of the policy according to DOS regulations, Part 600, or as a result of the findings of an EIS, then the required minimization should be undertaken in the following manner:
1. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural, or, if it must be sited on identified important agricultural land, sited to avoid classes of agricultural land according to the following priority:
    - a. prime farmland in orchards or vineyards
    - b. unique farmland in orchard or vineyards
    - c. other prime farm land in active farming
    - d. other unique farmland
    - e. farmland of Statewide importance in active farming.
    - f. active farmland identified as having high economic viability
    - g. prime farmland not being farmed
    - h. farmland of Statewide importance not being farmed
  2. To the extent practicable, agricultural use of identified important agricultural land not directly necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

#### Local refinement

The town of Hector has a Right to Farm law within the WRA which highlights the importance of agriculture to the community. The Town will also support the efforts of Schuyler County's Agricultural District Program and Agricultural and Farmland Protection Plan as a means of protecting agricultural land within the WRA.

## **Energy and Ice Management Policies**

### **Policy 27**

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

This policy is not currently applicable to the town of Hector as it does not have any immediate or foreseeable plans or land-use policies to accommodate such energy facilities within its boundaries. Additionally, the town does not desire any major energy facility located on the waterfront as it is a priority to protect the scenic quality of the town.

### **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.**

This policy is not currently applicable to the town of Hector.

### **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.**

This policy is not applicable to the town of Hector.

## **Water and Air Resources Policies**

### **Policy 30**

**Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into inland waterways will conform to State and National water quality standards.**

### Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving inland waterways and those which pass through the municipal treatment systems before reaching the State's waterways.

### Policy 31

**State policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing inland waterway classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.**

### Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State LWRP policies shall be factored into the review process for inland waterways. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting". Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting", waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

### 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.**

### Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities and for which conventional facilities are too expensive.



### **Policy 33**

**Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into inland waterways.**

#### **Explanation of Policy**

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

### **Policy 34**

**Discharge of waste materials into inland waterways from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.**

#### **Explanation of Policy**

All untreated sanitary waste from vessels is prohibited from being discharged into the State's inland waterways. Where inland waterway resources or activities require greater protection than afforded by this requirement the State may designate vessel waste no discharge zones. Within these no discharge zones the discharge of all vessel waste whether treated or not is prohibited. A determination from EPA that an adequate number of vessel waste pump-out stations exists is necessary before the State can designate a no discharge zone. The State prepared a Clean Vessel Act Plan which identifies the State's waters for which no discharge zones are needed and the number of vessel waste pump outs required to obtain the determination from EPA. The discharge of other wastes from vessels is limited by State law.

### **Policy 35**

**Dredging and filling in inland waterways 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.**

#### **Explanation of Policy**

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depths, pollutant removal, and other management needs. Such projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important inland waterway resources. Often these adverse effects can be minimized

through careful design and timing of the dredging or filling activities, proper siting of dredged material disposal sites, and the beneficial use of dredged material. Such projects shall only be permitted if they satisfactorily demonstrate that these anticipated adverse effects have been reduced to levels which satisfy State permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection and use of inland waterway resources (LWRP policies 7, 15, 19, 20, 24, 26, and 44).

### **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 inland waterways; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.**

#### **Explanation of Policy**

See Policy 39 for definition of hazardous materials.

### **Policy 37**

**Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into inland waterways.**

#### **Explanation of Policy**

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques.

### **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.**

#### **Explanation of Policy**

Surface and groundwater are the principal sources of drinking water in the State, and therefore must be protected. Since Long Island's groundwater supply has been designated a "primary source aquifer," all actions must be reviewed relative to their impacts on Long Island's groundwater aquifers.

#### **Local refinement**

Protection of local groundwater and surface water is particularly important for the Town of Hector as Seneca Lake is a source of drinking water.

### **Policy 39**

**The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within the waterfront revitalization area 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.**

#### **Explanation of Policy**

The definitions of terms “solid wastes” and “solid waste management facilities” are taken from the New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted byproducts of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as “waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: 1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed, transported or otherwise managed.” A list of hazardous wastes (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts this list. (currently contained in 6 NYCRR Part 371). Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

### **Policy 40**

**Effluent discharged from major steam electric generating and industrial facilities into inland waterways will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.**

#### **Explanation of Policy**

The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility shall “not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters.” The effect of thermal discharges on water quality and aquatic organisms is considered by the siting board when evaluating any applicant's request to construct a new steam electric generating facility.

#### **Policy 41**

**Land use or development in the waterfront revitalization area will not cause national or State air quality standards to be violated.**

##### **Explanation of Policy**

New York's Waterfront Revitalization of Coastal Areas and Inland Waterways Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the waterfront revitalization area.

To the extent possible, the State Implementation Plan will be consistent with waterfront revitalization area lands and water use policies. Conversely, waterfront management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Waterfront Revitalization of Coastal Areas and Inland Waterways Program will assist in coordinating major toxic control programming efforts in the inland waterway regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on inland waterway resources.

#### **Policy 42**

**Waterfront revitalization program policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.**

##### **Explanation of Policy**

The policies of the State and local coastal and inland waterway management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications along inland waterways or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon the Waterfront Revitalization of Coastal Areas and Inland Waterways Program and LWRP policies.

#### **Policy 43**

**Land use or development in the waterfront revitalization area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.**

##### **Explanation of Policy**



The Waterfront Revitalization of Coastal Areas and Inland Waterways Program incorporates the State's policies on acid rain. As such, the Waterfront Revitalization of Coastal Areas and Inland Waterways Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of inland waterway fisheries, wildlife, agricultural, scenic and water resources.

## **Wetlands Policy**

### **Policy 44**

**Preserve and protect freshwater wetlands and preserve the benefits derived from these areas.**

There are no wetlands located within the WRA therefore this policy does not apply. Should wetlands be identified within the WRA, the town will coordinate with the State of New York for the preservation of wetland resources.



Photo: Smith Memorial Park Beachfront

## Section IV.

### Proposed Land and Water Uses and Proposed Projects

This section provides an explanation of proposed land and water uses for the Waterfront Revitalization Area (WRA) accompanied by a list of potential projects.

#### SECTION CONTENTS

4.1 Proposed Land Uses

4.2 Proposed Water Uses

4.3 Proposed Projects

## 4.1 Proposed Land Uses

The Town of Hector aims to increase the acreage in the WRA that is used for community and public services. The Town will seek to acquire vacant and underutilized land near water resources and existing public facilities. The land would be converted into community use land with recreational opportunities and public access for water-dependent and water-enhanced uses.

For all other land uses in the WRA, the Town intends to encourage the preservation of existing uses. Any changes to future land use will be informed by the zoning review being conducted by the Town of Hector Zoning Commission. Should the Commission recommend the creation of a formal zoning code, the implementation of an LWRP will help inform and define zoning laws and boundaries.

### Smith Memorial Park Area

Smith Memorial Park is the focal point of the Town of Hector's WRA and the only site with public access to the Seneca Lake waterfront. There is great potential to develop further opportunities for recreation and tourism in the vicinity of the Park. Existing public spaces could be enhanced with additional community event spaces and campsites, as well as improved facilities for water-enhanced uses such as picnicking or beach volleyball. Public uses could also be expanded by acquiring land near the Park. Inland property could be used for recreational fields and a visitors' center. Property along Sawmill Creek could be used to provide public access points and water-enhanced uses along the creek.

### Valois Point

The Hamlet of Valois hosts a cluster of residential properties with a few commercial, agricultural, and public use (cemetery) lands. There are currently no public access points to Breakneck Creek or Seneca Lake. The Town of Hector will seek opportunities to provide access points on vacant or underutilized properties for recreational and community uses including water-enhanced uses.

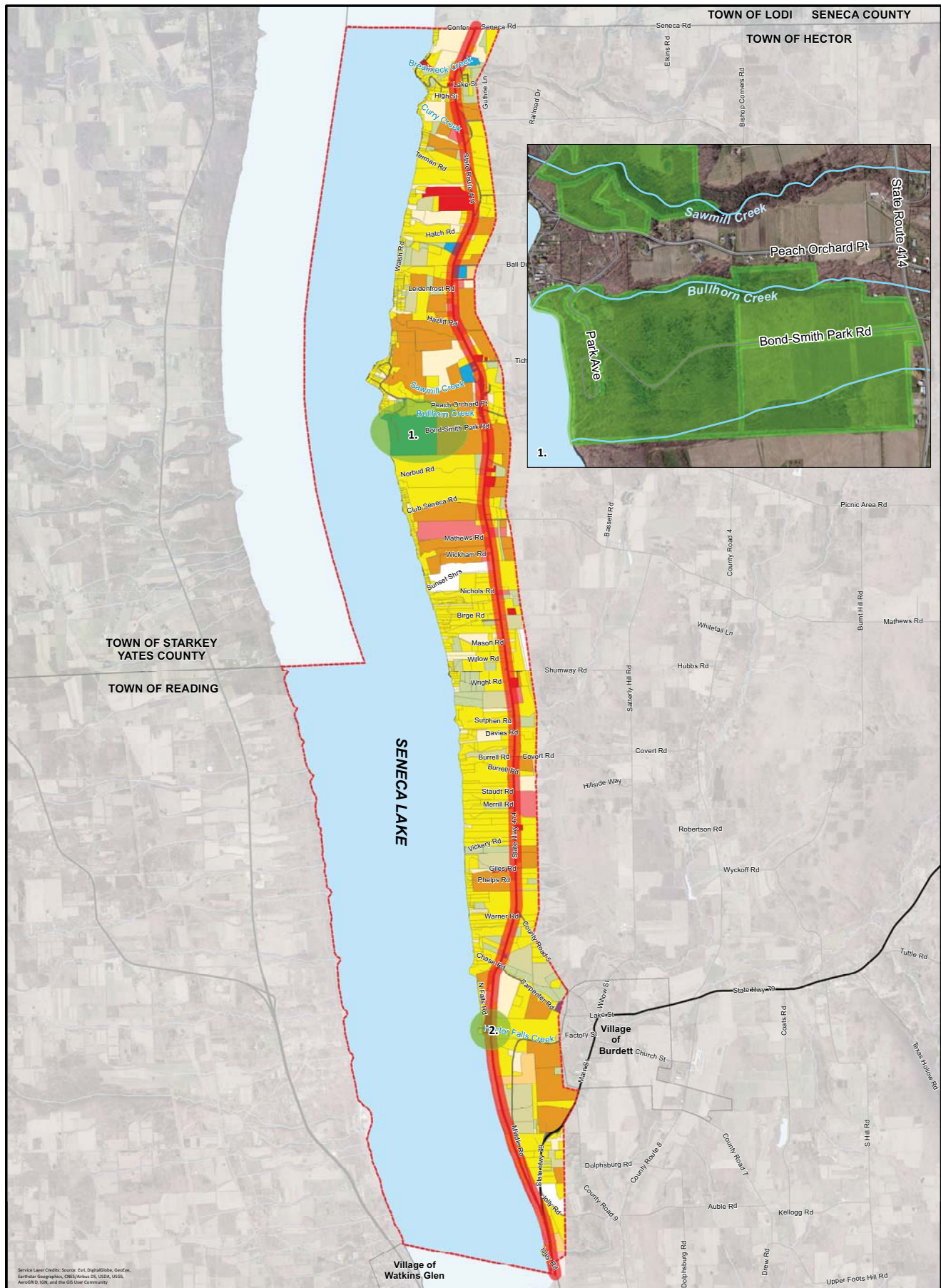
### Hector Falls

Hector Falls is a popular scenic resource in the WRA. The Falls flow under NYS Route 414 and can be viewed from the shoulder of the road or from the surface of Seneca Lake. The Town of Hector will seek opportunities to provide safe public access point to the falls.

## 4.2 Proposed Water Uses

Water uses will continue to focus on swimming, boating, and fishing. No new water uses are proposed for this LWRP. However, opportunities to expand water-dependent uses on existing public and private lands will be pursued during the implementation of the LWRP.





## PROPOSED LAND USE

**DRAFT**

Date: 5/19/2020

**Town of Hector, New York**  
Local Waterfront Revitalization Program

### Town of Hector Land Use

- WRA Boundary
- Proposed Recreation Uses
- Proposed Commercial Uses
- Agricultural
- Vacant Agricultural
- Residential
- Vacant Residential
- Vacant Residential with Improvement
- Commercial
- Commercial - Brewery or Winery/Vineyard
- Vacant Commercial
- Community & Public Services
- Industrial
- Vacant Rural <10 Acres
- Vacant Rural >10 Acres
- Vacant Land
- Water/Creek
- Unspecified

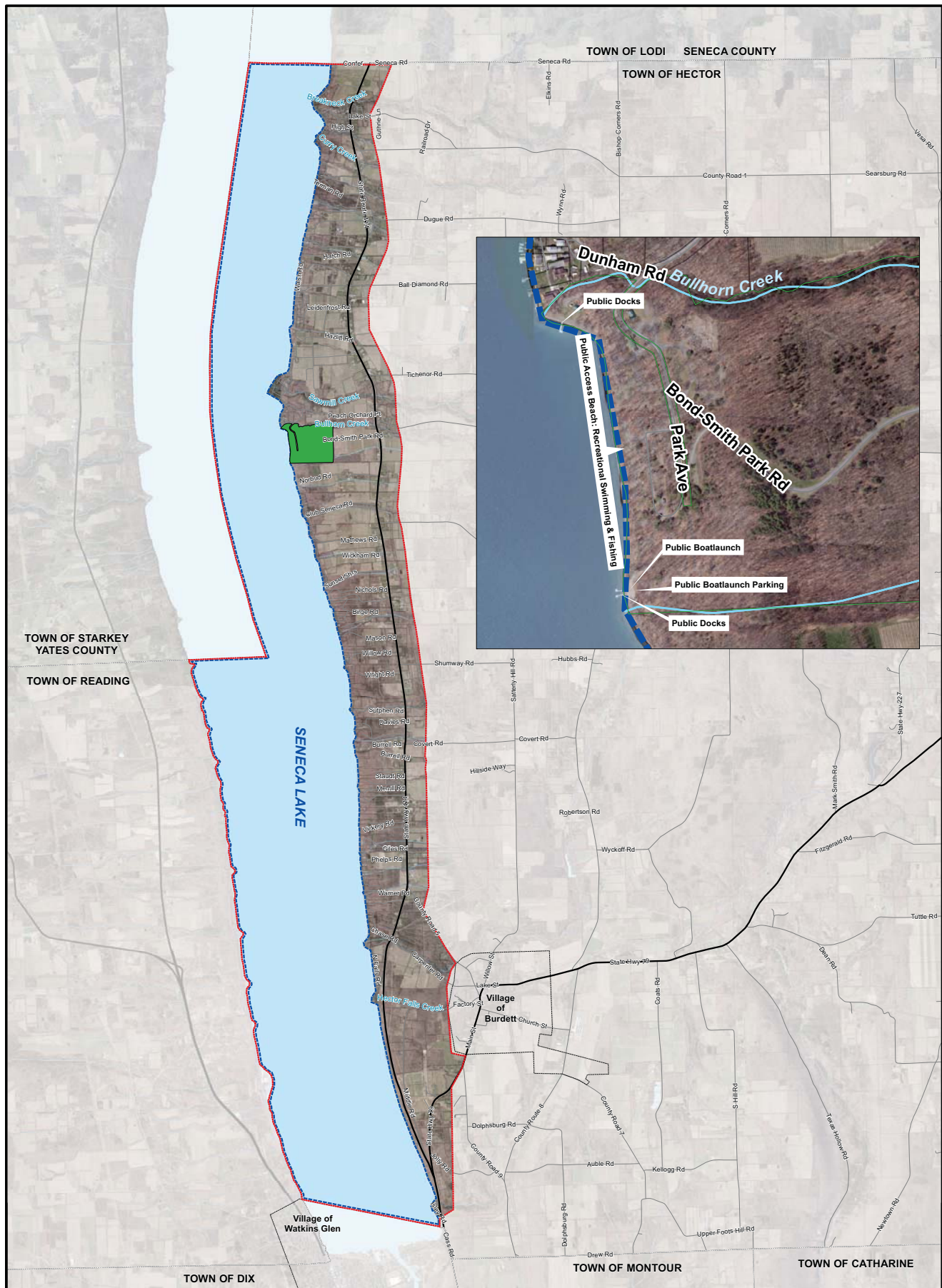
This map was prepared for illustrative purposes only and is not suitable for engineering, surveying or legal purposes.



Data Sources  
NYS GIS Clearinghouse (gis.ny.gov)  
Imagery: ESRI





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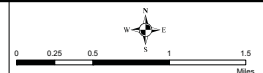
## Harbor Management Plan

**DRAFT**

-  WRA Boundary
-  HMP Boundary
-  Hector Parcels (2018)
-  Smith\_Memorial\_Park

## Town of Hector, New York Local Waterfront Revitalization Program

Date: 05/18/2020



**HECTOR**  
NEW YORK



This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund



## 4.3 Proposed Projects

The following projects have been identified through a series of Waterfront Advisory Committee meetings, a public open house, focus group meetings, and through the completion of Sections II and III. The potential projects are organized by State policy areas to ensure consistency with the previous section.

### Development

#### 1. Zoning laws

The Town of Hector recognizes the potential for increased community and economic development within the Waterfront Revitalization Area (WRA.) The Town is preparing a feasibility study on zoning within the WRA and Town to prioritize waterfront and land uses in the WRA that better accommodate recreational activities, improve safety, enhance public access, foster economic development, and protect environmental resources related to development within the WRA.

Should the review recommend creating a formal zoning code, the LWRP will inform zoning laws and boundaries within the WRA to support water uses. If zoning is completed and adopted, the Town will continue to monitor the effectiveness of the zoning and make modifications as necessary to support the implementation of the LWRP. This project is particularly relevant for LWRP policies 1, 2, and 5.

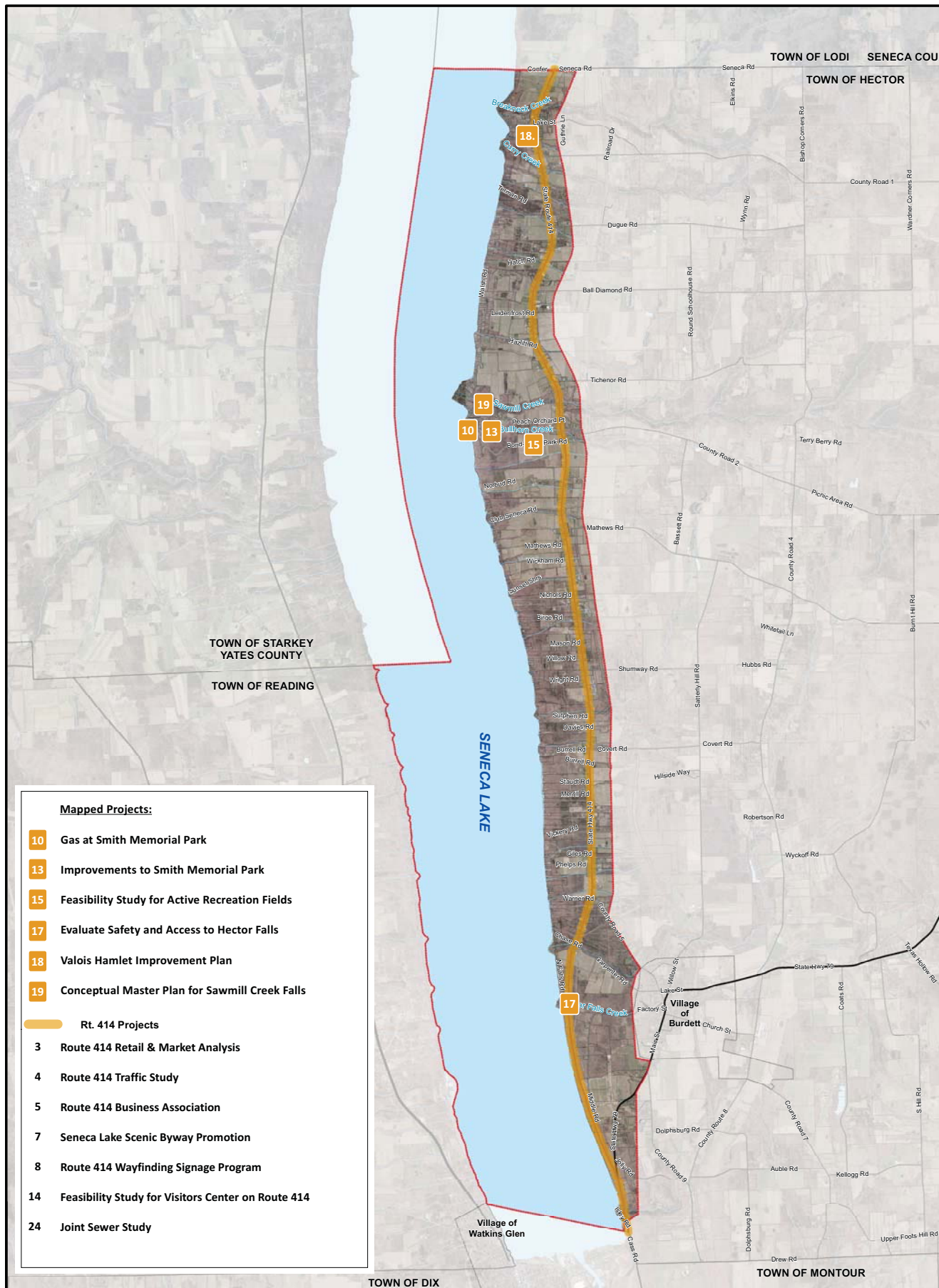
#### 2. Siting Design Guidelines Booklet

The Town of Hector supports smart-growth initiatives encouraging the preservation of existing land uses, such as the numerous vineyards and orchards, and scenic resources. Thus, any new development within the WRA should be sited in a way that considers the topography, environmental features, geology, public safety, accessibility to public infrastructure, and the preservation of scenic views. Initial siting guidelines would be incorporated into a draft zoning ordinance and could be enforced through site plan review, if adopted. To support implementation, the town could create a companion 'User Guide' with siting guidelines articulated graphically. The siting design guidelines booklet could be provided to applicants and made available online. This project would support LWRP policy 2.

#### 3. Route 414 Retail & Market Analysis

**Area:** NYS Route 414 corridor, Town of Hector

The length of NYS Route 414 within the WRA is part of the Seneca Lake Scenic Byway. The byway is lined with scenic viewsheds, vineyards and farms as well as craft beverage establishments, lodging, retail shops selling local art and produce, and a few restaurants. Further land uses and development opportunities along Route 414 could be considered by completing a Retail & Market Analysis including a housing market study. The analysis should consider recommendations from existing area plans such as



## PROPOSED (WRA) PROJECTS

**DRAFT**

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WRA Boundary

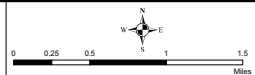
Hector Parcels (2018)

### Projects not Mapped that Apply to the Whole WRA:

1. Zoning laws
2. Siting Design Guidelines Booklet
6. Hector Branding and Marketing Strategy
9. Marketing Broadband
11. Hector Resilience Plan
12. Environmentally-sensitive Stream Management Program
16. Identify other potential waterfront access points
20. Historic and Cultural Resources Preservation Plan
21. Water Quality Protection Education
22. Green Infrastructure Practices
23. Nine Point Plan
25. Hector Water District Expansion Feasibility Study

## Town of Hector, New York Local Waterfront Revitalization Program

Date: 05/18/2020



Data Sources  
NYS GIS Clearinghouse (gis.ny.gov)  
Imagery: ESRI

This document was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund

the Watkins Glen LWRP and the Southern Tier Central Comprehensive Economic Development Strategy. The analysis can be completed in coordination with relevant partners, which may include the Southern Tier Central Regional Planning and Development Board (STC), and Schuyler County Partnership for Economic Development (SCOPED).

**LWRP Policies:** 1, 5

**Estimated Cost:** \$25,000 for consultant services

**Potential funding sources:** NYSDOS EPF, NYS ESD, Federal EDA

**Timeframe:** 0-2 years

**Benefits:** The proposed project would identify economic development opportunities in the WRA and underserved markets. The analysis would contribute to the success of revitalization efforts by pinpointing strategic uses for underutilized areas within the WRA and directing public and private funds toward impactful investments.

**Regulatory requirements:** N/A

#### **4. Route 414 Traffic Study**

**Area:** NYS Route 414 corridor, Town of Hector

NYS Route 414 is the backbone of the WRA, serving as the primary road for businesses, residents, and visitors in the Town of Hector. Many agricultural and commercial lands in the WRA border Route 414 as it connects these businesses to their markets. The route is designated as the Seneca Lake Scenic Byway from Watkins Glen to Lodi with various stopping points and historical markers. It also provides access via secondary private and public roads to the Seneca Lake waterfront.

The proposed project would complete a study of NYS Rt. 414 in coordination with NYSDOT to identify issues and improvements related to all modes of travel including vehicles, trucks, pedestrians and bicycles. The study should assess issues such as traffic volumes, speeds (actual versus posted), vehicle sight lines, pedestrian and bicycle infrastructure, and safety. Specific intersections where turning movements are considered dangerous should be evaluated.

The scope of work could include:

1. Goals and Objectives of the Study
2. Existing conditions inventory and analysis - land use, transportation conditions, transportation data collection and analysis, existing businesses, available development sites
3. Public Input/Engagement – public concerns and vision including desired uses and businesses

4. Recommendations and Concept Plan – for land use and development, transportation improvements, safety improvements, infrastructure, and signage related to all modes of travel
5. Master Plan Implementation – with implementation matrix detailing projects.

**LWRP Policies:** 1, 5, 19, 20, 41, 43

**Estimated Cost:** \$50,000 for consultant services to conduct the study

**Potential funding sources:** NYSDOS EPF, Federal TAP money

**Timeframe:** 0-2 years

**Benefits:** The proposed project would identify potential improvements to the primary transport corridor in the WRA for all modes of travel. Potential co-benefits of these improvements, if implemented, include improved air quality; enhanced recreational opportunities; improved public access to scenic, historic, and water resources; improved access to market for businesses; increased tourism; and increased safety for motorists, bicyclists, and pedestrians.

**Regulatory requirements:** None required

## **5. Route 414 Business Association**

**Area:** NYS Route 414 corridor, Town of Hector

The Town of Hector has several dozen businesses along the Route 414 corridor in the WRA. These include wineries, lodging, breweries, restaurants and bars, farms, artisans, and various services. Due to the rural setting of the town, there are fewer natural opportunities for business owners to meet and collaborate than in an urban setting.

A Business Association can bring focus to market small businesses and help brand their districts. They facilitate networking among merchants, host community events, and advocate for improvements to the district. As either a formal or loose organization, a BA can bring focus and champion key issues and ideas for the betterment of the community. BAs also serve as a liaison between the Town government and local businesses and stakeholders. While a BA is primarily for businesses, the Town can also participate to encourage communication. This way, the Town can submit for grants for certain ideas or projects such as public improvement projects along NYS Rt. 414. Once formed, the BA should coordinate with regional organizations such as the Finger Lake Tourism Alliance, the Seneca Lake Wine Trail, Watkins Glen Area Chamber of Commerce, Southern Tier Craft Beverage Trail, and SCOPED to consider economic development opportunities.

**LWRP Policies:** 1, 5, 25, 26



**Estimated Cost:** \$10,000 for consultant services to establish the Framework of the Business Association  
Anticipated costs to sustain the project (e.g. annual maintenance): TBD - This would be dependent on the businesses and the funding arrangements they wish to create.

**Potential funding sources:** Technical Assistance from Watkins Glen Area Chamber of Commerce, Schuyler County, SCOPED,

**Timeframe:** 0-2 years

**Benefits:** The proposed project would support businesses in the WRA including those on the waterfront and those upland with views of Seneca Lake. The BA would help strengthen the marketing and brand identity of the WRA and provide a platform for Route 414 businesses to collaborate.

**Regulatory requirements:** N/A

## 6. Hector branding and marketing strategy

This proposed project would create a branding and marketing strategy in the medium-term that promotes Hector as a destination for wine and craft beverages, scenic B&B getaways, hiking, biking, and adventure sports. The project would build on previously implemented LWRP projects and existing initiatives like the Seneca Lake Scenic Byway. The Business Association (project 5) could coordinate with the Finger Lake Tourism Alliance, the Seneca Lake Wine Trail, Watkins Glen Area Chamber of Commerce, and SCOPED to develop a synergistic strategy that highlights Hector's unique attractions within the broader region. The strategy may include a community tourism plan, interpretive displays at a Route 414 visitors center (project 14), and self-guided tours with themes such as "From water to wine: A history of Hector," "Fruits of our labors: an agriculture and viticulture tour", and "Seneca Guns & Gorges: A natural history tour" that serve a variety of interests.

## 7. Seneca Lake Scenic Byway Promotion

The Seneca Lake Scenic Byway is formally recognized by NYSDOT as a New York State Designated Scenic Byway. The route begins at Clute Park in Watkins Glen, follows New York State Route 414 for 19 miles, and ends in the Village of Lodi. It aims to promote activities such as hiking and biking, businesses, restaurants and hospitality. The website provides general information including links to trail guides, businesses, and an interactive map with byway attractions. However, the information is incomplete and in places outdated.

The Business Association (project 5) should collaborate with regional entities to further promote the Seneca Lake Scenic Byway as a driver for local economic development. To sustain the promotion efforts, the Business Association could establish a funding mechanism to hire a full or part-time staff person to manage and update the website to ensure it is updated regularly.

## 8. Rt. 414 Wayfinding Signage Program

**Area:** NYS Route 414 corridor, Town of Hector

Wayfinding signage can be an important community asset that connects visitors to key destinations while improving the attractiveness of a place. Creating a wayfinding signage program could increase the visibility of Hector and contribute to its reputation as an interesting tourist destination (project 6). Coordinated signage would also improve safety along Route 414 by helping visitors locate their destination more easily thereby removing slowdowns along a state route with a posted speed limit of 55.

The Town could assemble a steering committee with Route 414 residents, business owners, artists, and town council members to lead the program. The committee would engage an advisor or consultant with expertise in wayfinding design. Following an inventory of existing signs and governing regulations, the committee would oversee the development of a wayfinding signage plan. The plan would include a proposed sign design that is consistent with Hector's brand (project 6), a map of proposed locations, and a description of messages for each sign. Different styles may be used for 'Regional' and 'Town' signs. The committee would also oversee the implementation of the plan including bidding and installation.

**LWRP Policies:** 1, 19, 20, 23, 25, 26

**Estimated Cost:** \$65,000 - \$85,000

Category	Cost
Design and Engineering	\$25,000
Permitting	\$10,000
Construction	\$30,000 - \$50,000
TOTAL	\$65,000 - \$85,000

Anticipated costs to sustain the project (e.g. annual maintenance): \$0

**Potential funding sources:** NYSDOS EPF, Federal Transportation (TAP), NYSDOT

**Timeframe:** 1-2 years

**Benefits:** The proposed project would serve to better brand and market the WRA while improving safety for motorists, bicyclists, and pedestrians along Route 414. By recognizing various historic, cultural, agricultural, natural and economic assets, it would also encourage their protection and enhancement.

**Regulatory requirements:** NYS DOT

## 9. Marketing Broadband as an Amenity

High speed internet is an essential requirement in rural areas to stabilize population, retain and attract young families, encourage teleworking among year-round and second homeowners, grow local companies, and spur economic development. By marketing broadband as a quality of life amenity, Hector could open up new opportunities such as:

- Improved access to educational and business opportunities, health care, and government services.
- Creation of wireless hot spots at public buildings, welcome centers, or informational kiosks;
- Increased access to websites and online services for information or entertainment at local attractions;
- Increased ability of wine growers, wineries, distilleries to follow markets, communicate with customers, and access new markets as regulations allow;
- Increased ability of vintners and farmers to apply 'smart' agricultural techniques

The Town and/or BA should seek to expand and market broadband in Hector both to attract new residents and businesses but also as an amenity for visitors. The project could be done in coordination with partners such as the Watkins Glen Area Chamber of Commerce.

## 10. Gas at Smith Memorial Park

There are currently no public boat moorings or fuel docks in the Town of Hector. The only marina is on the western shore of the Lake. Boaters on the eastern shore must travel to Watkins Glen or further for fuel and docking facilities. The Town of Hector could install a fuel dock at Smith Memorial Park for recreational boaters as an added amenity to attract local visitors and tourists.

# Flooding and Erosion Hazards

## 11. Hector Resilience Plan

The current Emergency Plan for the Town of Hector provides basic guidance during emergencies, but does not provide details for prevention, recovery, or strategic disaster response. In collaboration with Schuyler County, the Town would form a special committee to create a more comprehensive local resilience plan that considers all hazards. The updated plan would build on the Schuyler County Hazard Mitigation Plan and risk and resilience resources available from state and federal sources. It would include a vulnerability and risk assessment informed by an inventory of existing hazards and historic data. Based on the assessment, the plan would include a prioritized list of recommended policies for improving resilience and disaster response. These may include specific regulations (e.g. for debris removal or development near waterways) as well as soft policy measures (e.g. awareness raising and education). The plan would also create a local management structure for coordinating disaster responses, which may include a designated focal point, committee, office, and/or contact. To encourage uptake, the Town would create a companion User's Guide with key facts and information from the plan to distribute to residents.

## **12. Environmentally-sensitive Stream Maintenance Program**

Sediment, branches, and other debris in streams and creeks leading to Seneca Lake can cause damage during flood events. The Town would work with the Schuyler County Soil & Water Conservation District (SWCD), the Southern Tier Central Regional Planning Board, and local property owners to develop an environmentally sensitive stream maintenance program. The program would guide the District – including municipal officials and highway department staff – in scientifically sound maintenance approaches to clear debris without degrading streambeds. This approach would prioritize hazardous debris jams (ie. log jams and gravel deposits) that elevate the risk of erosion and flood damage. The program would improve coordination and cooperation between municipal staff and the SWCD while expediting the permitting process with regulating agencies. It could also be used to educate property owners about best practices for stream maintenance and flood risk reduction.

## **Public Access and Recreation**

### **13. Improvements to Smith Memorial Park**

**Address:** 5097 NYS Route 227 Burdett, NY 14818

As part of the LWRP, the Town has prepared a Smith Memorial Park Improvement Master Plan. The proposed design aims to improve and organize existing park uses in order to address community needs while retaining the natural setting. Bond-Smith Park Road would be enhanced with a new park office building at the intersection of Boat Launch Drive, gateway features at the east entrance and at Bull Horn Creek, and a wood-rail fence to visually define the park boundaries. The day use area would be expanded to include two group pavilions, increased parking, and an improved restroom facility in the existing park office. Beach access would be improved by adding a handicap accessible walkway from the group activity area to the swimming beach, relocating RV campsites closer to the swimming area, enclosing wellheads adjacent to the beach with period-style wood seating structures that provide shade while still restricting wellhead access, and cleaning up shoreline debris along the waterfront connecting the swimming beach to the boat launch. The boat launch area itself would be reconfigured to better accommodate vehicle/trailer circulation and parking, including a boat launch check-in at the new office building. Within the wooded areas, trail connections would be added and delineated to develop a loop system throughout the park. The gravel borrow pit would also be transformed into a group activity area with ziplines and space to host concerts and events.

**LWRP Policies:** 1, 2, 12, 17, 19, 20, 21, 22, 25, 38,





#### NOTES

TOTAL CAMPS EXISTING: 72  
 TOTAL CAMPS REMOVED: 24  
 TOTAL NEW CAMPS PROPOSED: 24  
 TOTAL PARKING PROPOSED: 64  
 TOTAL PARKING WITH BOAT TRAILER PROPOSED: 6



SMITH MEMORIAL PARK  
 MASTER PLAN - WEST SIDE  
 TOWN OF HECTOR

Figure1 Smith Memorial Park Improvement Master Plan



**Estimated Cost :** \$2,766,000

Category	Cost
Road improvements (gateways, signage, fencing, crosswalks, widening, gates)	\$299,000
Park Office and Visitor Welcome/check-in building	\$455,000
Parking areas (park office, day use area, boat launch area)	\$340,000
Amenities and furnishing (restrooms, picnic areas, adventure play area, benches, stage, pavilion, campsites)	\$607,000
Landscaping, trails, hardscaping	\$510,000
Soft costs (design, engineering etc)	\$555,000
<b>TOTAL</b>	<b>\$2,766,000</b>

Annually, the Town budgets \$50,000 for Operations and Maintenance costs.

Revenue for maintenance costs is generated in part from campsite rental and boat launch fees.

**Potential funding sources:** NYSDOS EPF

**Timeframe:** 0-2 years. The Master Plan will be implemented in phases over approximately five years, beginning in the immediate term.

**Benefits:** The proposed project would improve public access to the Seneca Lakefront for recreational use and improve both water-dependent and water-enhanced uses in the Park. The reorganization would increase day use activity areas and improve beach access for visitors including RV campers and persons with disabilities. The improvements would allow the park to accommodate more visitors and increase its attractiveness for a wider variety of users and activities, including events and performances. The new office building would improve park management and serve as an orientation point. Finally, green Infrastructure practices would be used to protect the water quality of Seneca Lake.

**Regulatory requirements:** NYS DOS approvals (if funding agency), NYSDEC, NYS OGS (if impacting lake bottom)

#### **14. Feasibility Study for Visitors Center on Route 414**

While Hector offers a wealth of natural and scenic resources throughout the WRA, there is no central information point to guide visitors. A Visitors Center in an appropriate location along NYS Rt. 414 would provide a first stop for visitors and residents alike to get oriented to local points of interest including the wineries, distilleries, restaurants, shops, lodging, and recreational opportunities. The center could also provide information on natural and historic resources with maps of historic sites, bike trails, nature trails, cross-country skiing, canoeing and kayak areas, public parks, etc.

By strategically designing and locating the building, the Town of Hector could achieve several goals simultaneously. In addition to a visitor information center, the building could include restrooms, a parking area, and an office for the Code Enforcement Officer. It could also serve as a central assembly point of shelter in an emergency. Space within the building could be leased to interested private, or non-profit, entities to promote Hector's businesses and/or events in the Finger Lakes Region. If located near Smith Park, the building could be connected to trailheads within Smith Park and/or other trails and recreational areas in the Town. If properly located, a viewing platform could also offer views of Seneca Lake.

The first step of the proposed project would be to conduct a feasibility study then, if feasible, determining potential location(s), preferably near Smith Memorial Park. Potential locations include sites on Bond Smith Park Road and Route 414 near the Fire Station, USFS Field Station, and the Public Library. The project may require land acquisition along Route 414.

## **15. Feasibility study for Active Recreation Fields**

**Area:** Vicinity of Smith Memorial Park

The Town intends to develop active recreation fields at or near the entrance to Smith Memorial Park as site and funding for land acquisition becomes available. In preparation, the Town plans to complete a feasibility study for the recreation fields and facilities which could include baseball fields, softball fields, or multipurpose fields (i.e., lacrosse, field hockey, soccer) for various ages and skill levels. The study would engage stakeholders to complete a needs assessment and recommend the level and type of recreational facilities. The study would inform a Master Plan for the recreational fields and associated amenities (i.e., parking, dugouts, fencing, restrooms, signage, etc.) to be developed after land is acquired.

**LWRP Policies:** 2, 5, 20

**Estimated Cost:** \$25,000 for consultant services

**Potential funding sources:** NYSDOS EPF, NYS ESD, USDA, USED A

**Timeframe:** 1-2 years

**Benefits:** The proposed project would facilitate the expansion of public-access recreational amenities in the WRA. By examining sites near Smith Memorial Park, the project would help to repurpose land for compatible public uses that would broaden the appeal of the Park while reserving the foreshore areas for water-dependent uses. The project would also identify needs and groups that are underserved by the current recreational facilities.

**Regulatory requirements:** N/A

## 16. Identify Other Potential Waterfront Access Points

The Town of Hector would identify vacant and/or underutilized properties that could protect and maintain existing public access points or expand public access points. This could include areas adjacent to Smith Park, Sawmill Creek, Hector Falls, and Valois Point. Complementary actions could include acquiring additional conservation easements, protecting riparian habitats, and where appropriate, acquiring additions to forest preserve specifically to secure improved public access to the river and fishing resources.

## 17. Evaluate Safety and Access to Hector Falls

**Area:** Vicinity of Hector Falls along NYS Route 414

A focused study would be conducted in partnership with NYSDOT and local land owners to evaluate the potential to create safe access to Hector Falls. The Town would form a small committee including Town Board members, NYSDOT, the County, and private landowners near the falls. A topographic and boundary survey would be conducted to determine limitations of land availability and to determine easements. The study would assess the feasibility of creating safe access area to the falls that would not interfere with roadway safety, impede on private property, damage natural resources, or increase flooding or other hazards. Access could be visual and physical. If deemed feasible, a Master Plan for the access areas would then be developed.

**LWRP Policies:** 1, 2, 11, 14, 19, 20, 25

**Estimated Cost:** \$60,000

Category	Cost
Survey (topographic and boundary)	\$15,000
Design and Engineering – Initial Evaluation	\$25,000
Master Plan (if feasible)	\$20,000
TOTAL	\$60,000

**Potential funding sources:** NYSDOS EPF, NYSDOT

**Timeframe:** 1-2 years

**Benefits:** The proposed project would help the Town identify ways to safely provide public access to a scenic water resource. This might include visual or physical access to the Falls. The project would also reduce current safety hazards for both tourists and motorists associated with visitors attempting to access the Falls via Route 414.

**Regulatory requirements:** NYS DOT

## 18. Valois Hamlet Improvement Plan

Area: Valois Hamlet



The Town of Hector would complete a physical and economic development improvement plan for Valois Hamlet. As part of the NYS Route 414 Corridor Study (project 4), the Town would work with NYSDOT to identify needs and opportunities for sidewalks and pedestrian infrastructure; bike lanes; scenic overlooks; and multi-modal connections to Seneca Lake, NYS Rt. 414, the Hector Library and playing fields. At a minimum, the physical improvement aspect should include the reconstruction of existing sidewalks and installation of a new four-way crosswalk at Lake Street to provide safe access across NYS Rt. 414. In addition, the Town would work with Schuyler County Planning and SCOPED on an economic development plan to assist existing businesses, residents, and homeowners in Valois including whose incomes or property values are linked to the waterfront.

**LWRP Policies:** 5, 19, 20,

**Estimated Cost:** \$140,000



Category	Cost
Survey (if needed)	\$15,000
Design and Engineering Soft Costs	\$20,000
Permitting	\$5,000
Coordination with SCOPED on ED Opportunities	\$5,000
Construction (sidewalks)	\$ 100,000
TOTAL	\$140,000

Anticipated costs to sustain the project (e.g. annual maintenance): N/A

**Potential funding sources:** NYSDOS EPF, NYSDOT, Federal TAP

**Timeframe:** 0-2 years

**Benefits:** The proposed project would lay out steps to improve the physical environment and economic development of Valois. The plan would include ways to increase the attractiveness, accessibility, and sustainability of the hamlet and identify strategies to improve economic opportunity and quality of life for residents. Potential co-benefits of the plan, if implemented, include improved air quality; enhanced recreational opportunities; improved public access to scenic, historic, cultural, and water resources; improved access to markets for businesses; increased tourism; and increased safety for motorists, bicyclists, and pedestrians.

**Regulatory requirements:** NYSDOT Permits

### 19. Conceptual Master Plan for Sawmill Creek Falls

The Town of Hector is coordinating with private landowners to determine if the area around Sawmill Creek Falls, which is adjacent to Smith Memorial Park, would be appropriate for a new Town Park. To inform this determination, a Conceptual Park Master Plan would be created. The plan would consider possible picnic areas, trails, parking lots, and other passive park amenities. Consideration would also be given to providing safe public access to the Sawmill Creek Falls themselves. If feasible, the Town would proceed with its efforts to acquire the property and prepare a Master Plan to develop the park.

## Historic Resources

### 20. Historic and Cultural Resources Preservation Plan

Recognition and promotion of Hector's historic and cultural resources is currently limited. The Town of Hector would seek to increase the protection and utilization of these assets by preparing a Historic and Cultural Resources Preservation Plan. The plan would be prepared by a volunteer committee comprised of diverse stakeholders. It would include an updated inventory of historic and cultural resources including historic buildings. The plan could discuss Hector's settlement as it relates to Seneca Lake and the wineries. Specific attention could be paid to former steamboat stops (i.e., Valois Point), Native

American history, Sullivan's Trail, wineries & distilleries, Military Tract 21, and the Painted Rocks site. The completed plan could be used to promote Hector for Heritage Tourism and to educate private building owners about tax credits and funding for historic building rehabilitation.

## **Water Resources**

### **21. Water Quality Protection Education**

The Town of Hector would coordinate with the Watershed Nine Element Management Plan as well as the Seneca Lake Pure Waters and Seneca Lake Waters Intermunicipal Organization (SLWIO) to identify Best Management Practices for Water Quality Protection for both the public and private sector. Water quality testing sites would be established at key points starting with sites on Break Neck Creek, Sawmill Creek, and Hector Falls Creek. In parallel, information on water quality protection measures would be compiled in a guidebook. The guidebook could include best practices related to road salt, roadway drainage, fertilizers and pesticides, rural septic systems, and landscape practices for preventing erosion. The guidebook would be shared alongside current water quality data online and at City Hall. Together, these resources would raise awareness of water quality issues and how to resolve them. The project would engage private property owners as well as the general public.

### **22. Green Infrastructure Practices**

As public and private development projects are undertaken Green Infrastructure practices should be integrated as a way to treat stormwater including bioswales, rain gardens, and porous pavements. These elements can be integrated into the draft zoning ordinance if completed, including the soil and erosion control section and Siting Guidelines Booklet.

### **23. Nine Point Plan**

The Town of Hector will participate in this initiative being led by the Seneca Waters Intermunicipal Organization with neighboring counties and municipalities in the Seneca and Keuka Lake watershed to consider inspection, education, and funding.

### **24. Joint Sewer Study**

**Area: WRA**

Hector residents rely on Onsite Water Treatment Systems (OWTS), or septic systems, which can cause harmful run-off in certain circumstances if not properly managed. To reduce the amount of pollutants entering Seneca Lake, neighboring municipalities are taking steps to update their sewer facilities. Watkins Glen and Montour recently built the Catharine Valley Water Reclamation Facility which is now serving as their wastewater treatment plant. The Town of Hector would undertake a Joint Sewer Study with the Village of Burdett to evaluate a conventional sewer system or alternative septic systems using new and innovative technologies. The study would consider the feasibility of local and regional systems,

including the possibility of connecting to the Catherine Valley facility, and inform potential long-term upgrades.

**LWRP Policies:** 5, 8, 30, 32, 33, 38,

**Estimated Cost:** \$30,000

Category	Cost
Engineering Study	\$30,000
TOTAL	\$30,000

**Potential funding sources:** NYSEFC, USDA

**Timeframe:** 1-2 years

**Benefits:** The proposed project would assess the need and feasibility for upgrades to sewage management systems in the Town of Hector. The study will advance understanding of existing concerns and best practices for sewer systems related to water quality, environmental protection, and quality of life.

**Regulatory requirements:** N/A

## 25. Hector Water District Expansion Feasibility Study

**Area:** WRA

The Hector Water District includes most of the WRA and provides potable water from two gravel packed groundwater wells and one infiltration gallery. Homes and businesses outside of the water district rely on private wells, many of which are sulfated. In the interest of improving water quality and services for current and future residents and businesses, the Town is considering an expansion of the water district. The Town would conduct a feasibility study for extending potable water service to the southern portion of the WRA and to Lodi. This may include additional pump stations, for example near Sawmill Creek. If feasible, the Town would extend service south first, and then north. In a later phase, the Town would like to conduct an engineering study for providing water service to buildings along the lakeshore.

**Estimated Cost:** \$30,000

Category	Cost
Engineering Study	\$30,000
TOTAL	\$30,000

**Potential funding sources:** NYS EFC, USDA

**Timeframe:** 0-2 years

**Benefits:** The project will increase understanding of the need for and feasibility of extending the Hector water district. Quality water will benefit current residents and make the area more attractive for businesses.

**Regulatory requirements:** N/A

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**PROPOSED PROJECTS TABLE**

						0-2 years	1-2 Years	3-5 Years	6+ Years	
						Immediate	Short-Term	Medium-Term	Long-Term	Ongoing
Projects by Policy Area		Project Cost	Project Champion	Potential Partners						
<b>Development</b>										
1	Zoning laws	\$35,000	Zoning Commission	Town Board, Schuyler County Planning, Southern Tier Central Regional Planning and Development Board (STC)		H				
2	Siting Design Guidelines Booklet	\$10,000	Planning Board	Town Board, Schuyler County Planning, STC				M		
3	Route 414 Retail & Market Analysis	\$25,000								
4	Route 414 Traffic Study	\$50,000	Town of Hector Town Board (TOH)	NYSDOT, Business Association, Seneca Lake Scenic Byway, Seneca Lake Wine Trail	H					
5	Route 414 Business Association	\$25,000	Rt. 414 Businesses	SCOPED, Seneca Lake Wine Trail, Watkins Glen Area Chamber of Commerce, Southern Tier Craft Beverage Trail	H					X
6	Hector Branding and Marketing Strategy	\$75,000	Town of Hector Town Board	Business Association, SCOPED, Seneca Lake Wine Trail, Watkins Glen Area Chamber of Commerce,				M		X

				Southern Tier Craft Beverage Trail					
7	Seneca Lake Scenic Byway Promotion	Undetermined	Town of Hector Town Board	NYSDOT, Business Association, SCOPED, Watkins Glen Area Chamber of Commerce, Seneca Lake Scenic Byway Committee, Schuyler County					X
8	Route 414 Wayfinding Signage Program	\$65-85,000	Town of Hector Town Board	NYSDOT, Business Association, Schuyler County		H			
9	Marketing Broadband	Undetermined	Town of Hector Town Board	Empire Telephone, SCOPED, Business Association, Watkins Glen Area Chamber of Commerce					M
10	Gas at Smith Memorial Park	Undetermined	Smith Park Committee	TOH (Town of Hector), DEC, Army Corp., DOH					
<b>Flooding and Erosion Hazards</b>									
11	Hector Resilience Plan	\$50,000	Public Safety Committee	SC Emergency Services, DHSES, NYS VOAD, 211 Helpline, TOH COAD, Code Enforcement, STC					
12	Environmentally-sensitive Stream Management Program	Undetermined	Sustainability Commission	Soil & Water, DEC, SWOI, Army Corp.					
<b>Public Access and Recreation</b>									
13	Improvements to Smith Memorial Park	TBD	Smith Park Committee	TOH, NYSDOS, OPRHP, SCSWCS, DEC, SWOI, Homeland Security, USACE	H				H

14	Feasibility Study for Visitors Center on Route 414	\$15,000	Hector Business Association	TOH, Chamber, Scenic Byway Committee, DOT, ESD, NYSDOS			M		
15	Feasibility study for active recreation fields	\$25,000	TOH	Smith Park Committee, OPRHP, Local youth sports leagues, Little League Association, SCOPED		H			
16	Identify other potential waterfront access points	Undetermined	TOH	OPRHP, NYSDOS					X
17	Evaluate Safety and Access to Hector Falls	\$60,000	TOH	NYSDOT, Private property owners, Scenic Byway, OPRHP, NYSDOS		H			H
18	Valois Hamlet Improvement Plan	\$140,000	TOH	NYSDOT, County Planning, SCOPED	H				
19	Conceptual Master Plan for Sawmill Creek Falls	\$40,000	Smith Park Committee	TOH, Private property owners, NYSDOS, OPRHP, DEC, County Planning		M			
<b>Historic Resources</b>									
20	Historic and Cultural Resources Preservation Plan	\$20,000	TOH	Volunteer Historic Committee (to be established), County Planning, County Historical Society, OPRHP		L	L		
<b>Water Resources</b>									
21	Water Quality Protection Education	Undetermined	Hector Sustainability Committee (HSC)	TOH, SLWIO, Pure Waters, Schuyler County Water Quality Coordinating Committee, Private property owners, SCSWCS					H

22	Green Infrastructure Practices	Part of Zoning	HSC	TOH, SLWIO, Pure Waters, Schuyler County Water Quality Coordinating Committee, Private property owners, SCSWCS, County Planning, STC			M		
23	Nine Point Plan	Undetermined	TOH	HSC, County Planning, NYSDOS	H				
24	Joint Sewer Study	\$30,000	TOH	Village of Burdett, NYSEFC, Catherine Valley Water Reclamation Facility, County Planning, DOH, DEC, SCOPED, SLWIO, NYSDOT, USDA		H		H	
25	Hector Water District Expansion Feasibility Study	\$30,000	TOH	Town of Lodi, NYSEFC, Catherine Valley Water Reclamation Facility, County Planning, DOH, DEC, SCOPED, SLWIO, NYSDOT, USDA	H		M		





Photo: Sawmill Creek Gorge

## Section V.

### Local Implementation Techniques

This section of the LWRP details local laws and regulations that are necessary or recommended to support the implementation of the LWRP.

#### SECTION CONTENTS

**5.1 Necessary Local Laws and Regulations**

**5.2 Other Public and Private Actions**

**5.3 Local Management Structure**

**5.4 Financial Resources**

**5.5 Summary Chart of Legislation and Actions**

## 5.1 Necessary Local Laws and Regulations

Local laws and regulations are the basic means of enforcing provisions of the LWRP. The enforcement of these laws and regulations help assure the long-term beneficial use of the waterfront.

### Existing Laws and Regulations Necessary for Implementing the LWRP

#### Local Building Permit Regulations

Building permits are required from the Town of Hector Code Enforcement Department for additions to existing buildings, renovations and any residential or commercial construction, garages, pools, solid fuel burning devices, and any electrical or plumbing work. In addition, stamped Architect/Engineer drawings are required for any commercial construction. Projects should meet international building codes. Non-residential construction under 140 square feet does not require a permit.

In addition, permits are required from the Schuyler County Watershed Department to construct wastewater treatments systems (septic systems).

#### Driveway Permit Program – Local Law #1 of 2016

Under Local Law #1 of 2016 which was adopted by the Town Board on July 12, 2016, permits are required for new or extended driveways that connect to Town roads. Applications must be made to the Town Superintendent who is responsible for determining if the driveway meets minimum construction standards.

#### Right-to-Farm Law – Local Law #2 of 2012

As illustrated in Section II, the Town of Hector falls within Schuyler County's Agricultural District #1.

Landowners within the agricultural district are eligible for certain incentives and protections from the state and local governments under the NYS Agricultural Districts Law. In addition, Hector has adopted a local Right-to-Farm Law which provides additional protections for agricultural activity within the town.

### New Laws and Regulations Necessary for Implementing the LWRP

#### Local LWRP Waterfront Consistency Law

Actions to be directly undertaken, funded, or permitted within the Hector WRA must be consistent with the policies set forth in the Town of Hector LWRP. The Hector Waterfront Consistency Review Law provides the framework for the Town of Hector to consider policies and purposes contained in the LWRP when reviewing its actions, and to assure that such actions are consistent with the intent of the LWRP. A Waterfront Assessment Form is part of the law and helps in assessing the impact of an action on the waterfront. The Waterfront Consistency Review Law and Waterfront Assessment Form can be found in **Appendix A.**

### Amendments to Zoning Laws

The Town is preparing a feasibility study on zoning within the WRA. Any future zoning laws in the WRA would be formulated or amended to ensure consistency with the LWRP and the HMP. If adopted, these zoning laws would potentially include regulations related to siting and site plan review, integrating green infrastructure practices, flooding and erosion control, protecting natural and scenic resources, and preserving cultural and historic resources.

### Laws to Implement Harbor Management Plan

There are currently no new water uses proposed by the LWRP or HMP. Should new water uses be proposed in the future for the harbor area, a local law or ordinance would be adopted to support these uses. The law could be a standalone law or could be adopted as an amendment to an existing law or groups of laws (e.g. zoning ordinances).

## 5.2 Other Public and Private Actions

The Town of Hector will partner with a several public and private entities to implement the policies and projects described in this LWRP. These include those partners listed in the project implementation matrix in Section V:

- Village of Burdett
- Town of Lodi
- Schuyler County
- Catherine Valley Water Reclamation Facility
- Schuyler County Emergency Services
- Schuyler County Planning Department
- Schuyler County Partnership for Economic Development (SCOPED)
- Schuyler County Soil and Water Conservation District
- Schuyler County Water Quality Coordinating Committee
- Schuyler County Human Services Development Corporation (SCHSDC)
- Seneca Lake Watershed Intermunicipal Organization (SLWIO)
- Seneca County Soil Water Conservation Service (SCSWCS)
- Southern Tier Central Regional Planning and Development Board (STCRPB)
- Southeast Soil and Water Conservation Society (SCSWCS)
- Seneca Lake Scenic Byway
- NYS Department of Environmental Conservation (DEC)
- NYS Department of Health (DOH)
- NYS Department of State (DOS)
- NYS Department of Transportation (DOT)
- NYS Division of Homeland Security & Emergency Services (DHSES)
- Empire State Development
- NYS Environmental Facilities Corporation (NYSEFC)



- NYS Office of Parks, Recreation & Historic Preservation (OPRHP)
- NYS Volunteer Organizations Active in Disaster (VOAD)
- US Army Corps of Engineers
- US Department of Agriculture
- Little League Association
- Volunteer Fire Departments: Burdett, Mecklenburg, Odessa, Trumansburg, Valois Logan Hector, and Watkins Glen
- Watkins Glen Area Chamber of Commerce
- Schuyler County Historical Society
- Seneca Lake Wine Trail
- Seneca Lake Pure Waters Association
- Southern Tier Craft Beverage Trail
- Empire Telephone
- New York 211 Helpline

## 5.4 Local Management Structure

### Local Management Structure for Implementing the Approved LWRP

All State actions proposed within the Town of Hector WRA shall be reviewed for consistency with the policies of the LWRP and HMP, and in accordance with the guidelines established by the New York State Department of State. A number of Town agencies or local officials are responsible for management and coordination of the LWRP and are directly involved in ensuring that consistency reviews are completed for projects within the WRA. These agencies or officials, with their responsibilities are:

**Supervisor** - The Supervisor of the Town will provide overall management of the Local Waterfront Revitalization Program and the Harbor Management Plan. The Supervisor, with support of the Town Board, will apply for funding to implement project and programs identified in the LWRP and HMP.

**Town Clerk** - Correspondence, communications, and record keeping for Town government actions pertaining to the implementation of the LWRP and HMP will be the responsibility of the Town Clerk. Applicants can obtain waterfront assessment forms from the Town Clerk's office.

**Town Board** - The Town Board will prepare, or cause to prepare, applications for funding from State, Federal, or other sources to finance projects under the LWRP. The Town Board will coordinate review of actions in the Town's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Town departments in the implementation of the LWRP, its policies and projects, as well as, coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions

**Town Code Enforcement Officer** - The Code Enforcement Officer will be issue summonses for violations of the Town of Hector Waterfront Consistency Review Law.

## **Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect**

### **I. Purpose of Guidelines**

- A. The Waterfront Revitalization of Waterfront Areas and Inland Waterways Act (the Act) (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of the approved Town of Hector Local Waterfront Revitalization Programs (LWRP). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the Town of Hector whenever an identified action will occur within an area covered by the Town of Hector LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and the Town of Hector when notified by the Town that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

### **II. Definitions**

- A. **Action** means:
  - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - 2. Occurring within the boundaries of the approved Hector LWRP; and
  - 3. Being taken pursuant to a state agency program or activity that has been identified by the Secretary of State as likely to affect the policies and purposes of the Town of Hector LWRP.
- B. **Consistent to the maximum extent practicable** means that an action will not substantially hinder the achievement of any of the policies and purposes of the approved Town of Hector LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of the approved Town of Hector LWRP, then the action must be one:



1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  2. That will minimize all adverse effects on the policies or purposes of the Town of Hector LWRP to the maximum extent practicable; and
  3. That will result in an overriding regional or statewide public benefit.
- C. **Local Waterfront Revitalization Program or LWRP means** the Town of Hector LWRP locally adopted by the Town of Hector and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- D. **Municipal chief executive officer** is the Town Supervisor.
- E. **Local Government** is the Hector Town Board.
- F. **Local program/LWRP coordinator** is the Town Supervisor, which is responsible for the preliminary review of proposed actions within the waterfront area for consistency with the approved LWRP and consistency recommendations for the final determination of consistency that will be made by the Hector Town Board.

### III. Notification Procedure

- A. When a state agency is considering an action as described above in Definitions, the state agency shall notify the Town of Hector.
- B. Notification of a proposed action by a state agency:
1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and Town Board;
  3. Should be provided to the Town Supervisor as early in the planning stages of the action as possible, but in any event at least thirty (30) days prior to the agency's decision on the action. The timely filing of a copy of a completed Waterfront Assessment Form (WAF) with the Town Supervisor should be considered adequate notification of a proposed action.
- C. If the proposed action will require the preparation of a draft environmental impact statement (EIS), the filing of this draft EIS with the Town Clerk can serve as the state agency's notification to the Town of Hector.

#### IV. Local Government Review Procedure

- A. Upon receipt of notification from a state agency, the Town will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the Planning Board, the state agency should promptly provide the Town Board with whatever additional information is available that will assist the Town of Hector in evaluating the proposed action.
- B. If the Town cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the Town of Hector's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the Town of Hector does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the approved Town of Hector LWRP.
- D. If the Town Board notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in item below shall apply. The Town of Hector shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the Town Board shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

#### V. Resolution of Conflicts

- A. The following procedure applies whenever the Town of Hector has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
  - 1. Upon receipt of notification from the Town Board that a proposed action conflicts with its approved LWRP, the state agency should contact the Planning Board to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and Town of Hector representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Town Board.
  - 2. If the discussion between the Town of Hector representatives and the state agency results in the resolution of the identified conflicts, then, within seven (7) days of the discussion, the Town Board shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been

resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

3. If the consultation between the Town of Hector representatives and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within fifteen (15) days following the discussion between the Town of Hector and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within thirty (30) days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and the Town of Hector.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within fifteen (15) days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

## **Procedural Guidelines for Coordinating NYS Department of State (DOS) and LWRP Consistency Review of Federal Agency Actions**

### **I. Direct Federal Agency Activities**

- A. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed federal activities to the program coordinator and other interested parties.
- B. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed federal activity.
- C. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- D. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss

any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed federal activity.

- E. A copy of DOS' "concurrence" or "objection" letter to the federal agency will be forwarded to the local program coordinator.

## **II. Activities Requiring Federal Licenses, Permits, and Other Regulatory Approvals**

- A. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the local program coordinator and will identify the Department's principal reviewer for the proposed federal activity.
- B. Within thirty (30) days of receiving such information, the local program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed federal activity with the LWRP policies.
- C. When DOS and the local program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the local program coordinator upon receipt.
- D. Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed federal activity with the principal reviewer for DOS, whichever is later, the local program coordinator will notify DOS of the reasons why a proposed federal activity may be inconsistent or consistent with the LWRP policies.
- E. After the notification, the local program coordinator will submit the municipality's written comments and recommendations on a proposed federal activity to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- F. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed federal activity, DOS will contact the local program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- G. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the local program coordinator.

## **III. Federal Financial Assistance to State and Local Governments**

- A. Upon receiving notification of a proposed federal financial assistance, DOS will request information on the federal financial assistance from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the local program coordinator. A copy of this letter will be forwarded to the local program coordinator and will serve as notification that the proposed federal financial assistance may be subject to review.
- B. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the local program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
- C. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major federal financial assistance.
- D. The local program coordinator must submit the municipality's comments and recommendations on the proposed federal financial assistance to DOS within twenty days (or other time agreed to by DOS and the local program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal financial assistance with the LWRP policies.
- E. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the local program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- F. A copy of DOS' consistency decision letter to the applicant will be forwarded to the local program coordinator.

## 5.5 Financial Resources

The implementation of the projects set forth in this Local Waterfront Revitalization Program will require a combination of public and private funds.

### **Local Government Funding Sources to Implement the LWRP**

An obligation of Town funds may be necessary for completion of proposed improvements including the development and enhancement of parks, streetscape and infrastructure improvements, and marketing and planning.

**Schuyler County** – The Town of Hector will coordinate with County Departments and agencies to implement the LWRP including efforts related to planning, water quality, watershed protection, soil and



water conservation, historic and cultural preservation, community education and outreach, and emergency services,

**Schuyler County Partnership for Economic Development (SCOPED)** – provides businesses with resources and assistance with identifying financial resources for business creation or expansion. SCOPED has a revolving loan fund for small businesses including tourism-based businesses.

#### **State Funding Sources to Implement the LWRP**

Hector will seek state funding for the implementation of the LWRP where additional support is needed beyond private and local funding.

**NYS Department of Environmental Conservation (DEC)** – provides funding programs for environmental protection including projects that improve water quality, public health, and natural habitats. Grant programs for municipalities and not-for-profits include:

**Water Quality Improvement Project (WQIP) Program**- reimbursement grant program for projects that reduce polluted runoff, improve water quality and restore habitat.

**Environmental Justice Community Impact Grant Program** - provides community-based organizations with funding for environmental and public health concerns.

**NYS DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG)** – provides funding for the preparation of an engineering report including planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project.

**Climate Smart Communities (CSC) Grant program** - provides 50/50 matching grants to cities, towns, villages and counties of the State of New York and boroughs of New York City for eligible climate adaptation and mitigation projects.

**Nonpoint Source Implementation Grants Program** - provides grants for up to fifty percent (50%) of the cost of eligible nonpoint source water pollution assessment, planning and abatement projects.

**NYS Department of State (DOS)** provides assistance through the **Brownfield Opportunity Areas (BOA) Program** for communities to undertake activities resulting in neighborhood revitalization strategies for areas affected by brownfields or economic distress. The program enables communities to assemble effective strategies to return dormant sites and areas back to productive uses. In addition, pursuant to Title 11 of the Environmental Protection Act, the DOS administers grants from the **New York State Environmental Protection Fund (EPF)** for the implementation of Local Waterfront Revitalization Programs. Occasionally, grants from the EPF are available through DEC for the prevention and control of invasive species

**NYS Office of Parks, Recreation and Historic Preservation (OPRHP)** administers grants from the **New York State Environmental Protection Fund (EPF)** for park, recreation and historic preservation projects, pursuant to Title 9 of the Environmental Protection Act.

**NYS Empire State Development Corporation (ESD)** - Program grants and loans are available as incentives to attract commercial development and may be applicable to brownfields development. The Economic Development Fund is the primary funding program. Also funding for Feasibility Studies for economic development projects.

**NYS Environmental Facilities Corporation** – supports projects that utilize unique stormwater infrastructure design and create cutting-edge green technologies through the Green Infrastructure Grant Program (GIGP).

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

#### **Federal Funding Sources to Implement the LWRP**

Federal funding may be leveraged for LWRP projects including efforts to improve infrastructure, amenities and resilience.

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

**Federal Emergency Management Agency** – helps communities implement hazard mitigation measures following a Presidential major disaster declaration through the **Hazard Mitigation Grant Program**, administered by the NYS Office of Emergency Management.

**U.S Department of Agriculture (USDA)** – Rural Development assistance program provides loans, grants, and loan guarantees for housing, community facilities, business guarantees, and public utilities and services. Under the Rural Utilities Service program, funds are available to public entities and nonprofit corporations to build, repair, and improvement public water and waste water collection and treatment systems.

**NYS and U.S. Departments of Transportation (DOT)**- Grants and loans may be available pursuant to the DOT **Transportation Alternatives Program (TAP)**, formerly ISTEA (Industrial Access Program Chap 54 of Laws of 1985-appropriations bill); the **Highway Safety Improvement Program**, which can be used for road safety improvements including cycling and/or pedestrian trails; development

**U.S. Department of Commerce Economic Development Administration (USEDA)** – provides grants to assist with economic development projects.

**U.S. Department of Housing and Urban Development (HUD)** - provides direct funding through the **Community Development Block Grant (CDBG)** for activities that support the reuse of industrial sites.

CDBG funds are used for grants, loans, loan guarantees and technical assistance activities. Formally a Federal program, New York State has been administering the program since 2000.

**U.S. Department of the Interior** – allocates funding to States through the **Land and Water Conservation Fund** for land acquisition and development of outdoor recreation.

## 5.6 Summary Chart of Legislation and other Actions Implementing the LWRP Policies

Table X. Local Laws Implementing LWRP Policies		
POLICY NO.	CATEGORY	IMPLEMENTING LEGISLATION
1, 2, 3, 4, 5, 6	Development	Local Law #1 of 2016 – Driveway Permit Program; Local Building Permit Regulations
7,8,9,10	Fish & Wildlife	
11,12,13,14,15,16,17	Flooding & Erosion	
18	General	
19, 20	Development	
21, 22	Agricultural Land	Local Law #2 of 20102 -Right to Farm law
23, 24, 25	Historic Resource & Visual Quality	
26	Agricultural Lands	
27, 28, 29	Energy & Ice Management	
30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44	Water & Air Resources	