

## SECTION III – WATERFRONT REVITALIZATION POLICIES

### DEVELOPED WATERFRONT POLICIES

**Policy 1 Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.**

The character of Cortland County's Tioughnioga River waterfront is defined by a traditional pattern of developed and open land. Primarily rural in nature, the Corridor retains its historical and traditional development pattern of distinct population and development centers, i.e., clearly defined hamlets, villages, and cities surrounded by open space. The Corridor includes seven hamlets, three villages, and one city. Residential lakefront hamlets of Little York and Tully/Song Lakes, the primarily commercial hamlet of Polkville, as well as Cuyler, East Homer, Preble, Messengerville, and Blodgett Mills. The Villages include Homer, Marathon, and McGraw, while Cortland is the sole city. Active and inactive agriculture land and vacant land are by far the most common land uses, accounting for approximately 2/3 of all land in the corridor. Residential uses are the next most common land use, while commercial and industrial uses account for less than 10% of land uses.

The collection of natural, recreational, commercial, ecological, cultural, and aesthetic resources in the Tioughnioga River Corridor defines its character; and the distribution of developed and open lands establishes an environment that reflects the history of the corridor and its communities. Development that does not reinforce this traditional pattern would result in an undesirable loss of the community and landscape character of the Corridor. Development, public investment, and regulatory decisions should preserve open space and natural resources and sustain the historic hamlets, villages, and the City of Cortland as centers of activity. Water-dependent uses generally should locate in existing centers of development in order to support the economic base and maintain the character of these centers, and to avoid disturbance of shorelines and waters in open space and agricultural areas.

The policy is intended to foster a development pattern that provides for beneficial use of waterfront resources. The primary components of the desired development pattern are: strengthening traditional waterfront hamlets, villages, and the City as centers of activity; encouraging water-dependent uses to support development of a blueway trail; enhancing stable residential areas; and preserving open space.

Map A following shows proposed development intensities in the Corridor.

### **1.1 Concentrate development and redevelopment in or adjacent to traditional developed areas in order to strengthen the Corridor's hamlets, villages and the City, while preserving open space and agricultural uses.**

The Tioughnioga River Corridor includes a number of developed areas, ranging from small hamlets, to incorporated villages, to the City of Cortland. As detailed in Part II, some of the hamlets are little more than a collection of homes or businesses, while the City is a dense concentration of housing, commercial and industrial uses. Development in the Tioughnioga River Corridor should occur in accordance with the following policy standards:

- A. Maintain traditional hamlets, villages, and the City of Cortland and ensure that development within these communities supports and is compatible with the character of the community. Residential re-development and new development should occur within established hamlets, villages, and the City. New residential development should be compatible with the existing development patterns and residential architectural styles found in the hamlets, villages, and City. Industrial development within the corridor should be concentrated in and around the City of Cortland, the northern reaches of the Town of Preble, the hamlet of Polkville, and the Village of Marathon. Commercial and retail development should occur in the Villages and City, particularly in historic downtown areas. Only small scale commercial and retail development should occur in the hamlets.
- B. Focus public investment, actions, and assistance in waterfront redevelopment areas to reclaim unused, under-used, or improperly used waterfront land and brownfields for new purposes compatible with the community and neighborhood.
- C. Locate new development where infrastructure is already available, and is adequate to support the intended use or can be upgraded to accommodate new development. New infrastructure development should be developed in existing hamlets, where appropriate, to encourage further development of these hamlets rather than in open and agricultural spaces.

### **1.2 Ensure that development or uses take appropriate advantage of their waterfront location.**

Primary water-dependent uses on the river include fishing, canoeing, and kayaking. Water-enhanced uses include walking, hiking, biking, sightseeing, dining, and hotels/motels/bed and breakfasts. Very few commercial enterprises currently take advantage of their riverfront location, and many are incompatible with their riverfront sites. For example, commercial development along the river at I-81's Exit 11 does not address the river, and auto repair shops on Route 11 are incompatible with their locations. Homes are common along the River in the hamlets, villages, and the City, and are scattered less densely throughout the entire Corridor waterfront. Guidelines for consistency include the following:

- A. Give priority to water-dependent and water-enhanced uses and activities on the immediate waterfront in the villages and City, except where appropriate residential development has already occurred.
- B. Accommodate water-enhanced uses where they are compatible with surrounding development, do not displace or interfere with water-dependent uses, and reflect the unique qualities of a waterfront location through appropriate design and orientation.
- C. Avoid uses that detract from the waterfront due to its appearance, potential for pollution, or other negative characteristics.
- D. Allow other uses that derive benefit from a waterfront location, such as residential uses, in appropriate locations, particularly in the lakefront hamlets of Little York and Tully/Song Lake.
- E. New commercial waterfront development should incorporate waterfront access and uses into its building and site design whenever possible.
- F. Avoid uses on the waterfront that cannot by their nature derive economic benefit from a waterfront location.

### **1.3 Protect stable residential areas.**

Residential neighborhoods are considered to be stable if they are concentrations of housing that have solid and stable levels of owner-occupied housing, lengthy tenures of residents, stable or rising property values, low crime rates and, preferably, are supported by neighborhood commercial businesses. Stable residential areas in the corridor include the residential portions of the hamlets of Song Lake, Preble, Little York, and Blodgett Mills; the Village of Homer with the exception of the neighborhoods between the downtown and the River; the Villages of McGraw and Marathon, with the exception of those neighborhoods located in flood hazard areas; the City of Cortland, with the exception of the “South End” neighborhood, and neighborhoods near SUNY Cortland impacted by student rental housing. The following shall apply in protecting and preserving these neighborhoods:

- A. Maintain viable, safe, and healthy residential areas and allow for continued compatible residential and supporting development in or adjacent to such areas. Existing housing stock will be retained wherever possible. Older residential neighborhoods within the Corridor will be protected from adverse development impacts and conversion of owner-occupied housing to rental housing will be limited. Rehabilitation and homeownership programs should be implemented to preserve these neighborhoods, upgrade deteriorated housing stock, and ensure a stable residential population, particularly in the hamlets, villages, and City. Renovations to buildings more than 50 years old will be compatible with the original and historical character of the building.
- B. New residential development should occur within or immediately adjacent to existing hamlets, villages, and the City, and be compatible with the neighborhood character including, but not limited to, lot sizes and setbacks, streets laid out traditional patterns, and sidewalks. Homes in new developments and infill construction should be of architectural styles and designs compatible with the existing housing stock of the hamlet, village, or City in which they are located.
- C. Small, neighborhood-scaled commercial development is encouraged to bring goods and services closer to residential neighborhoods. Such commercial development will be of a scale and design so as to be compatible with the surrounding neighborhoods.

#### **1.4 Maintain and enhance natural areas, recreation, open space, and agricultural lands.**

The Tioughnioga River Corridor is defined by its large areas of productive agricultural lands and open space punctuated by hamlets, villages, and the City of Cortland. These natural areas, open space, agricultural, and recreational lands produce public benefits that may not be immediately tangible. These lands are described in Section II, Part 1. In addition to scenic and recreational benefits, these lands also support habitats for fish, birds, and other wildlife, serve in flood control management, recharge the groundwater, and maintain links to a region's agricultural heritage. They contribute to the economy of Cortland County. Open lands will be preserved by:

- A. Avoiding the loss of economic, environmental, and aesthetic values associated with natural, recreational, open and agricultural lands.
- B. Avoiding expansion of infrastructure and services which would promote conversion of agricultural land to other uses.
- C. Maintaining natural and open spaces and improve parks and recreational areas. Provide additional recreational opportunities/lands in the Corridor, particularly where they create new or expand public access to the waterfront.

- D. Protecting and promoting the retention of prime agricultural land. Encourage continuation and diversification of agricultural as an important activity in the economy of the county and as an element in community character.

### **1.5 Minimize adverse impacts of new development and redevelopment.**

Development should avoid impacts on prime agricultural lands, steep banks, high erosion hazards, wetlands, and areas of exceptional scenic quality. Should development occur in these areas, it will provide the least impact possible. Environmental and aesthetic impacts will be minimized and mitigated. The Cortland/Homer/Preble Sole Source Aquifer underlies most of the East and West Branches, and parts of the upper Main Branch, and any development must be evaluated for its potential impact on water quality and quantity. In addition, Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps indicate that significant portions of the Corridor are within flood hazard areas, including the floodway and the 100-year flood plain. Only certain uses for these areas can be considered unless approved mitigating measures are taken prior to development. The following policy measures apply to minimize adverse impacts:

- A. Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development through well-developed land use policies and site plan review procedures that accommodates new development while taking into account the natural environmental constraints.
- B. Minimize the potential for adverse impacts of types of development that individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts. A Cortland County Comprehensive Plan will be important in guiding and coordinating development across municipal boundaries, and provide policies and procedures to assess cumulative impacts of development. Individual municipalities should develop/update and adopt their own comprehensive plans consistent with the LWRP and a County Comprehensive Plan.
- C. Future development should occur only where adequate public infrastructure exists or can be provided, and can adequately handle the proposed development.

## **Policy 2    Preserve historic resources of the Tioughnioga River Corridor.**

Archaeological sites and historic structures are tangible links to the past development of a community—both its cultural and economic life—providing a connection to past generations and events. The pre-historic and Native American sites, Colonial era farmsteads and outbuildings, 19th century commercial districts, dams, industrial sites, and older residential structures and neighborhoods may be important components in defining the waterfront's distinctive identity and heritage. In a broader sense, these resources, taken together, continue to shape the waterfront culture of New York State.

The intent of this policy is to preserve the historic and archaeological resources of the Tioughnioga River Corridor and to utilize these resources to educate the public and promote a deeper understanding of the pre-historic and historic use and development of the Corridor. Concern extends not only to the specific site or resource but to the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must also include active efforts, when appropriate, to restore or revitalize. While the LWRP addresses all such resources within the waterfront area, it actively promotes preservation of historic, archaeological, and cultural resources that have a waterfront relationship.

The policies detailed below are applicable to the historic resources identified in Section II, and to other historic resources in the Corridor as they may be identified:

### **2.1    Maximize the identification, preservation and retention of historic resources.**

The U.S. Secretary of the Interior's Standards for Identification, Restoration, and Rehabilitation of Historic Resources should guide all activities related to historic resources in the Tioughnioga River Corridor. These Standards should be consulted for additional detail on specific aspects of historic preservation, and should guide all activities related to historic resources in the Corridor. Historic resources generally include those buildings, structures, landscapes, areas, or sites afforded official designation by a local, state, or federal government, or deemed eligible or nominated for the State of National Register of Historic Places. Applicable historic resources listed on the national register in the corridor include the Cortland Repertory Theater and the Preble Congregational Church in Preble; the Cortland County Poor Farm in Cortlandville; the Old Homer Village Historic District; the Main Street/Tompkins Street Historic District, the City of Cortland Fire Department, the Unitarian/Universalist Church, and the Cortland County Courthouse in Cortland; the Tarbell Building and Peck Memorial Library in Marathon; and the Village of McGraw Historic District. In addition to these, historic resources may also include those resources more than 50 years old that do not

have official designation or recognition, but are nevertheless resources that should be preserved. Some of these are detailed in Part 7 of the Inventory and Analysis. The following policy standards will be used to preserve and protect the River Corridor's historic resources:

- A. Preserve the historic character of the resource by protecting historic materials and features or by making repairs using appropriate measures.
- B. Provide for compatible use of the historic resource, while limiting and minimizing alterations to the resource.
- C. Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource.
- D. Relocate historic structures only when the resource cannot be preserved in place.
- E. Allow demolition only where alternatives for retention are not feasible.
- F. Avoid potential adverse impacts of development on nearby historic resources.
- G. Identify and inventory historic resources not currently recognized.
- H. Establish historic preservation overlay zoning districts to protect the most historically sensitive areas.

## **2.2 Protect and preserve archaeological resources.**

The Tioughnioga River Corridor has a long history of use, from Native Americans, to early settlers, to 19<sup>th</sup> Century industrial uses. These played an essential role in the development of the region and the Corridor. Each of these uses has left its mark on the Corridor, and tells the ongoing story of its use and importance. In order to ensure that the archeological resources of these times and people are protected, communities should minimize potential adverse impacts by conducting Cultural Resource investigations prior to any significant development or ground disturbing activities. If resources are identified, effects of development should be mitigated by redesigning projects, reducing direct impacts on the resource, recovering artifacts prior to construction, and documenting the site. This policy is applicable to the zones of archeological sensitivity identified by the New York State Office of Parks, Recreation, and Historic Preservation.

- A. Prohibit appropriation of any object of archaeological or paleontological interest situated on or under lands owned by New York State, except as provided for in Education Law, § 233.
- B. Encourage use of archeological resources as educational and tourism tools.

### **2.3 Protect and enhance resources that are significant to the waterfront culture.**

- A. Protect the character of historic river corridor communities, particularly the hamlets, villages, and the City.
- B. Preserve and enhance historic dams and similar water-related, and waterfront structures, including industrial structures, by providing for their long-term protection through the least degree of intervention necessary to preserve the structure, and through their interpretation to the public.



**Policy 3 Enhance visual quality and protect scenic resources throughout the waterfront area.**

Visual quality is a major contributor to the character of the waterfront area, and the primary basis for the public's appreciation. In addition to the scenic natural resources, the variety of cultural elements in the landscape and the interplay of the built and natural environments are of particular importance to visual quality. The Tioughnioga River Corridor includes sweeping vistas of the valley floor and the tree-line ridges rise above it, swaths of open agricultural land, bucolic farmsteads, and charming hamlets and villages, and close-up views from bridges, riverbanks, and trails.

The intent of this policy is to protect and enhance visual quality and protect recognized scenic resources of the waterfront area. The policy is applicable to the scenic resources identified in Chapter 8 of Section II.

**3.1 Protect and improve visual quality throughout the Tioughnioga River Corridor.**

Communities in the River Corridor will protect and enhance visual quality and scenic vistas by adhering to the following standards and guidelines:

- A. Enhance existing scenic characteristics by minimizing introduction of discordant features.
- B. Restore deteriorated and remove degraded visual elements, and screen activities and views which detract from visual quality.
- C. Preserve existing vegetation and establish new vegetation to enhance scenic quality or screen visual detractions.
- D. Group or orient structures to preserve open space and provide visual organization.
- E. Improve the visual quality associated with hamlets, villages, and the City.
- F. Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral scenic qualities.
- G. Recognize water-dependent uses as important additions to the visual interest of the waterfront.
- H. Protect scenic values associated with public lands, including public trust lands and waters, and natural resources

- I. Ensure that new commercial structures, particularly large-scale commercial structures, are designed to minimize negative impacts to the landscape and viewsheds.

**3.2 Protect aesthetic values associated with recognized areas of high scenic quality.**

- A. Protect aesthetic and scenic values associated with the waterfront and River Corridor which include steep, wooded moraines and gorges, rolling hills, bucolic villages and hamlets, and a river valley plain laced with agricultural crop and grazing lands.
- B. Prevent impairment of scenic components that contribute to high scenic quality.

## **NATURAL WATERFRONT POLICIES**

### **Policy 4 Minimize loss of life, structures, and natural resources from flooding and erosion.**

The Tioughnioga River and its tributaries are subject to periodic flooding, particularly on Trout Brook in the Village of McGraw, and along the Main branch, with the most significant impacts in the Village of Marathon. In recent years there has been damage to infrastructure and buildings as a result of flooding and erosion. All communities in the Corridor participate in the National Flood Insurance Program (NFIP). Flooding is a natural phenomenon that, while a threat to life and property, has environmental benefits to the River Corridor and, in fact, is the source of much of the rich soils that has supported agriculture in the region.

In response to existing or perceived erosion and flood hazards, property owners may have constructed erosion protection structures. While some erosion control structures may be necessary to protect development, the River has an inherent natural, social, and economic value that should be respected to ensure continuing benefits to the Corridor, the State and the region. Consequently, those portions of the shoreline that are not fortified should generally remain in a natural condition to respond to natural processes. Hardening of the shoreline is to be avoided except when alternative means, such as soft engineering alternatives including, but not limited to, vegetation and wetlands, are not effective.

Development and redevelopment in hazard areas needs to be managed to reduce exposure to flooding and erosion hazards. New development within the 100-year flood plain should be avoided and, if it cannot be avoided, should be designed to eliminate flood damage to structures and infrastructure and not increase flooding potential or severity downstream.

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout the River Corridor. The policy reflects State flooding and erosion regulations and provides measures for reduction of hazards and protection of resources.

#### **4.1 Minimize losses of human life and structures from flooding and erosion hazards.**

Flooding appears to be an increasing threat along the Tioughnioga River Corridor, with the accompanying threats to life and structures. In order to reduce these threats, the following policies will be used:

- A. Use the following management measures, which are presented in order of priority to minimize threats to life and property:

- a) Avoid development, other than water-dependent uses, in known flood hazard areas;
- b) Locate or move development and structures as far away from hazards as practical;
- c) Use vegetative non-structural measures which have a reasonable probability of managing flooding and erosion, based on shoreline characteristics including exposure, geometry, and sediment composition;
- d) Enhance existing natural protective features and processes, and use non-structural measures which have a reasonable probability of managing erosion;
- e) Use hard structural erosion protection measures for control of erosion only where the above measures are not sufficient to protect the principal use, or the use is water-dependent or reinforces the role of a waterfront center or a waterfront redevelopment area.
- f) Provide funds for housing rehabilitation in the flood plain only in the context of flood proofing and only when determined that “no practical alternative” exists.
- g) Avoid reconstruction of structures damaged by more than 50% or more of its value within the 100-year flood plain unless the structure or use functionally requires a location in the flood plain or is a structure of historic importance.

This policy may be modified or superseded by an appropriate local flood strategy, given that such strategy is designed to meet the same goals as this policy, and is sufficient to minimize threats to life, safety, and structures.

- B. Mitigate the impacts of erosion control structures where no alternatives to such structures exist.
- C. Manage development in flood plains outside of flood hazard areas so as to avoid adverse environmental effects, to minimize the need for structural flood protection measures, and to meet Federal flood insurance program standards.

## **4.2 Preserve and restore natural protective features.**

Natural protective features include beaches, dunes, shoals, bars, wetlands, and associated natural vegetation, of which the latter two are most relevant to the Tioughnioga River Corridor. As flooding and erosion protection features, these are considered superior to man-made features and should be preserved. These will be done by:

- A. Preventing development in natural protective features except development as specifically allowed in 6 NYCRR Part 505.8.

- B. Maximizing the protective capabilities of natural protective features by:
  - a) avoiding alteration or interference with riverbanks in a natural condition;
  - b) enhancing existing natural protective features;
  - c) restoring impaired natural protective features; and
  - d) managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural riverbank.
- C. Minimize interference with natural River processes by:
  - a) providing for natural supply and movement of unconsolidated materials;
  - b) minimizing intrusion of structures into River waters and interference with riverine processes; and
  - c) mitigating any unavoidable intrusion or interference.

#### **4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.**

Public lands owned by the State of New York, Cortland County and area municipalities are scattered across the Corridor. Much of the land is for highways and roadways, with the right of way for Interstate 81, owned by the State, accounting for a large percentage of that. Other important public lands include, but are not necessarily limited to, Dwyer Park, Durkee Park, the County Highway facility, Yaman Park, and Lovell Field. There are no public trust lands in the Corridor, although the Cortland County Business Industrial Development Agency owns the rail line that runs parallel to the River. Briggs Pool in Durkee Park has a deed covenant that can revert the property to the previous owners if the land is not maintained and used as public parkland. Guidelines to be used for achieving consistency with this policy include:

- A. Avoid losses or likely losses of public lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from flooding and erosion.
- B. Mitigate unavoidable impacts on adjacent property, natural riverine processes and natural resources, and on public trust lands and their use.
- C. Investigate and minimize erosion impacts when undertaking work on the rail lines and railroad crossing.

#### **4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.**

This policy does not apply to the Tioughnioga River Corridor.

**4.5 Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.**

With limited public resources, it is vital that public funds are used judiciously, and that their expenditure will have a positive and lasting benefit. This will be accomplished by:

- A. Giving priority in expenditure of public funds to actions which: protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and protect substantial public investment in land, infrastructure, and facilities.
- B. Limited expenditure of public funds to those circumstances where public benefits exceed public cost; and prohibited for the exclusive purpose of protecting private development, except where actions are undertaken by an erosion protection district.

**4.6 Consider sea level rise when siting and designing projects involving substantial public expenditures.**

This policy does not apply to the Tioughnioga River Corridor.

## **Policy 5 Protect and improve surface and ground water quality and supply in the Tioughnioga River Corridor.**

The purpose of this policy is to protect the quality and quantity of water in the waterfront area. Quality considerations include both point source and nonpoint source pollution management. The primary quantity consideration is the maintenance of an adequate supply of potable water in the region and wildlife protection. Particular attention must be paid to the Sole Source Aquifer that underlies large areas of the Corridor and serves as the drinking water source for most of its residents. The sole source aquifer is discussed in Chapter 11 of Part II and shown on the accompanying map.

Water quality protection and improvement in the region must be accomplished by the combination of managing new and remediating existing sources of pollution. In some areas with existing water quality impairments, more aggressive remediation measures will be needed. Guidelines for consistency with this Policy include:

### **5.1 Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.**

The Tioughnioga River is not used for drinking water within the Corridor. The water is used for swimming, fishing, boating, agriculture, and very limited commercial use. Primary threats to water quality include agricultural runoff, erosion, gravel mining, residential septic systems, and three point discharge areas as detailed in Chapter 10 of Part II. Protection of these surface waters will be accomplished by:

- A. Preventing point source discharges into waterfront areas and avoiding land and water uses which would:
  - a) exceed applicable effluent limitations;
  - b) cause or contribute to contravention of water quality classification and use standards;
  - c) materially adversely affect River water quality.
- B. Ensuring effective treatment of sanitary sewage and industrial discharges by maintaining efficient operation of treatment facilities, providing secondary treatment of sanitary sewage, improving nitrogen removal capacity, incorporating treatment beyond secondary treatment for new wastewater treatment facilities, reducing demand on facilities, reducing loading of toxic materials, reducing or eliminating combined sewer overflows, and managing on-site disposal systems.

## **5.2 Manage land use activities and use best management practices to minimize non-point pollution of waterfront areas.**

Non-point pollution is pollution that originates from sources that are not localized or easily identifiable. Agricultural runoff and erosion is the most significant non-point pollution source in the Tioughnioga River Corridor, although urban run-off is also a factor. These will be managed as follows:

- A. Best management practices will be employed to minimize agricultural runoff while supporting agriculture in the Corridor.
- B. Utilize more effective municipal highway maintenance and winter deicing practices.
- C. New development, particularly large-scale development with significant paved areas, will be designed to minimize runoff. Cumulative effects of development will be considered.

## **5.3 Protect and enhance the water quality of the Tioughnioga River Corridor.**

Threats to water quality in the Corridor include physical factors (Ph, dissolved oxygen, dissolved solids, nutrients, odor, color, and turbidity, in addition to on-site septic systems), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids). The Tioughnioga River Corridor will be protected from these threats and water quality will be enhanced by:

- A. Minimizing disturbance of streams, including their beds and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water. Retain as much natural vegetation as possible near the waterfront avoid mass clearing of sites, and avoid development on steep slopes.
- B. Protecting the Corridor from adverse impacts associated with excavation, mining, fill, dredging, disposal of dredged material, and poor agricultural practices.
- C. Monitoring the water quality impacts from failed, failing, or inappropriately designed septic systems.



#### **5.4 Limit the potential for adverse impacts of watershed development on water quality and quantity.**

In order to implement this policy, the following policy standards will be used:

- A. Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems, and protects areas that are particularly susceptible to erosion and sediment loss. As detailed in Section II, the soils in the corridor are highly erodible, and erosion is exacerbated by lack of anchoring vegetation due to agricultural and residential uses, as well as gravel mining.
- B. Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed which would result in a failure to meet water quality standards, or threaten or impede existing recreational uses.

#### **5.5 Protect and conserve the quality and quantity of potable water.**

As detailed in Section 2, Part 11, the Cortland-Homer-Preble Sole Source Aquifer underlies much of the northern half of the Tioughnioga River Corridor. This aquifer is a rare and important natural resource and provides drinking water for area residents, including the City of Cortland. The protection of this aquifer and other groundwater sources is of the utmost importance and will be accomplished by following these policy standards:

- A. Prevent contamination of potable waters by limiting discharges of pollutants and limiting land uses which are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.
- B. Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies, particularly over the Cortland-Homer-Preble Sole Source Aquifer.

## **Policy 6 Protect and restore the quality and function of the ecosystem.**

The ecosystem consists of physical (non-living) components, biological (living) components, and their interactions. Its physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include the plants, animals, and other living things in and around the river.

Certain natural resources that are important for their contribution to the quality and biological diversity of the ecosystem have been specifically identified by the State for protection. These natural resources include locally significant fish habitats, freshwater wetlands, and designated rare, threatened, and endangered species. These include the Preble Swamp, an important wetland along the West Branch, and smaller wetlands along the Corridor, all of which are detailed in Section II, Part 14. There are also ten species of fish and wildlife classified as threatened or threatened by New York State and three plant species listed under New York's Rare Plants Law. These are also detailed in Section II, Part 14.

In addition to specifically identified discrete natural resources, the quality of the ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering songbirds, or benthic communities. These more common natural resources collectively affect the quality and biological diversity of the ecosystem.

This policy also recognizes and provides for enhancement of natural resources within regionally important natural areas for which management plans have been prepared.

### **6.1 Protect and restore ecological quality.**

Corridor communities will:

- A. Avoid significant adverse changes to the quality of the ecosystem as indicated by physical loss, degradation, or functional loss of ecological components.
- B. Maintain values associated with natural ecological communities.
- C. Retain and add indigenous plants.
- D. Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.
- E. Avoid permanent adverse change to ecological processes.
- F. Reduce adverse impacts of existing development when practical.

- G. Mitigate impacts of new development; mitigation may also include reduction or elimination of adverse impacts associated with existing development.

## **6.2 Protect and restore Significant Riverine Fish and Wildlife Habitats.**

As detailed in Section II, Part 14, there are no wildlife habitats along the River Corridor classified as significant by the State, except for several wetlands. There are ten species of fish and wildlife classified as threatened or of special concern by the New York State, but no permanent species classified as endangered by either the State or federal government. Three plant species are classified as rare. The following will be used to ensure protection of these species:

- A. Protect Significant riverine fish and wildlife habitats, particularly designated wetlands, from uses or activities which would destroy habitat values or significantly impair the viability of the designated habitat beyond its tolerance range, which is the ecological range of conditions that supports the species population or has the potential to support a restored population where practical.
- B. Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts through appropriate mitigation. Destruction or degradation of wetlands is generally limited by State and federal regulations, and should not occur within the corridor even when allowed by the State or federal governments.
- C. Wherever practical, enhance or restore designated habitats so as to foster their continued existence as natural systems.

## **6.3 Protect and restore freshwater wetlands.**

The Tioughnioga River Corridor contains nineteen wetlands regulated by New York State. Other than Corridor lakes and the River itself, the most significant of these wetlands is the 311-acre Preble Swamp. These important ecological features should be protected and restored by:

- A. Complying with statutory and regulatory requirements of the State's wetland laws.
- B. Using the following management measures, which are presented in order of priority:
  - (1) Prevent the net loss of vegetative wetlands by avoiding fill or excavation.
  - (2) Minimize adverse impacts resulting from unavoidable fill, excavation, or other activities.
  - (3) Provide for compensatory mitigation for unavoidable adverse impacts.
  - (4) Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values.

- C. Restore freshwater wetlands wherever practical to foster their continued existence as natural systems.

#### **6.4 Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.**

There are three plant species listed under the New York State Rare Plants Law, and ten species of fish and wildlife that are threatened of special concern. Corridor communities will support the protection of vulnerable species by ensuring that native habitats are preserved and that all State and federal guidelines and regulations are followed.

#### **6.5 Protect natural resources and associated values in identified regionally important natural areas.**

- A. Protect natural resources comprising a regionally important natural area. Focus State actions on protection, restoration, and management of natural resources.
- B. Protect and enhance activities associated with sustainable human use or appreciation of natural resources.
- C. Provide for achievement of a net increase in wetlands when practical opportunities exist to create new or restore former wetlands.
- D. Adhere to management plans prepared for regionally important natural areas.

### **Policy 7 Protect and improve air quality in the Tioughnioga River Corridor.**

This policy provides for protection of the waterfront area and the River Valley from air pollution generated within the Corridor area or from outside the area which adversely affects air quality.

#### **7.1 Control or abate existing and prevent new air pollution.**

This will be accomplished by implementing the following policy standards in consistency with State and federal regulations:

- A. Limit pollution resulting from new or existing stationary air contamination sources consistent with applicable standards, plans, and requirements.
- B. Recycle or salvage air contaminants using best available air cleaning technologies.

- C. Limit pollution resulting from vehicle or vessel movement or operation. This includes providing for pedestrian friendly communities and promoting pedestrian uses.
- D. Limit actions that directly or indirectly change transportation uses or operation resulting in increased pollution.
- E. Restrict emissions or air contaminants to the outdoor atmosphere, which are potentially injurious or unreasonably interfere with enjoyment of life or property.
- F. Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

**7.2 Prohibit discharges of atmospheric radioactive material within the Corridor with the exception of Radon mitigation systems.**

**7.3 Limit sources of atmospheric deposition of pollutants to the waterway, particularly from nitrogen sources.**

**Policy 8 Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.**

The intent of this policy is to protect people from sources of contamination and to protect waterfront resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites and brownfields to permit redevelopment. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination.

**8.1 Manage solid waste to protect public health and control pollution.**

Effective management of solid waste in the Tioughnioga River Corridor should follow the established State priorities of reducing, reusing, and disposing of such waste. Solid waste will be managed by:

- A. Planning for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.
- B. Managing solid waste by: reducing the amount of solid waste generated, reusing or recycling material, and using land burial or other approved methods to dispose of solid waste that is not otherwise being reused or recycled.
- C. Preventing the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.
- D. Operating solid waste management facilities to prevent or reduce water, air, and noise pollution and other conditions harmful to the public health.
- E. Planning for the disposal of solid waste when evaluating any development proposal in the Corridor.
- F. Remediate known areas/sites previously used for solid waste disposal that have impacted soil and/or water resources.

**8.2 Manage hazardous wastes to protect public health and control pollution.**

Hazardous waste will be managed in accordance with the following priorities:

- A. Eliminate or reduce the generation of hazardous wastes to the maximum extent practical.
- B. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.

- C. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled.
- D. Use land disposal as a last resort.
- E. Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage, and disposal.
- F. Remediate inactive hazardous waste disposal sites.

### **8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.**

The release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources will be prevented through the following:

- A. Environmental degradation due to persistent toxic pollutants will be prevented by:
  - a) limiting discharge of bioaccumulative substances;
  - b) avoiding resuspension of toxic pollutants and hazardous substances and wastes; and
  - c) avoiding reentry of bioaccumulative substances into the food chain from existing sources.
- B. Prevent and control environmental pollution due to radioactive materials.
- C. Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.
- D. Take appropriate action to correct all unregulated releases of substances hazardous to the environment.

### **8.4 Prevent and remediate discharge of petroleum products.**

The discharge and remediation of petroleum products will be done by:

- A. Having adequate plans for prevention and control of petroleum discharges in place at any major petroleum-related facility or facility that uses large volumes of petroleum in manufacturing processes.
- B. Preventing discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.
- C. Sitting petroleum and petroleum-related bulk storage facilities away from waterfronts wherever possible and designing such facilities to contain spills.

D. Cleaning up and remove any petroleum discharge, giving first priority to minimizing environmental damage.

**8.5 Transport solid waste and hazardous substances and waste in a manner which protects the safety, wellbeing, and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.**

**8.6 Site solid and hazardous waste facilities to avoid potential degradation of waterfront resources.**



## **PUBLIC WATERFRONT POLICIES**

### **Policy 9 Provide for public access to, and recreational use of, the waterway, public lands, and public resources of the waterfront area.**

As referenced in the inventory and analysis, the Tioughnioga River, not including lakes along the corridor, is only navigable by paddlers. A major focus is, however, the development of the river as a Bluewater trail for canoeing and kayaking. Along many stretches of the River, physical and visual access to waterfront lands and waters is limited for the general public. Limitations on reaching or viewing the waterfront are further heightened by a general lack of opportunity for diverse forms of recreation at those sites that do provide access. In certain cases access and recreational opportunities that are available are limited to local residents.

Existing public access and opportunities for recreation are inadequate. Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide and increase public access throughout the waterfront area. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. Another measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

#### **9.1 Promote appropriate and adequate physical public access and recreation throughout the waterfront area.**

Public access along the River is limited, as most of the riverfront lands are in private ownership. There are no State boat launches on the River, although a hand launching site is located on Friendly (Tully) Lake at the north end of the Corridor. There are no State Parks in the Corridor. As detailed in Section II, Part 5, Existing public waterfront access and recreational opportunities are available at:

- Yaman Park, City of Cortland
- Preble swimming area, Town of Preble
- Dwyer Memorial Park, Town of Preble
- Durkee Memorial Park, Village of Homer
- Casey Athletic Fields, Town of Cortlandville (privately owned)
- McGraw Community Park, Village of McGraw
- Lovell Field Park, Village of Marathon

Developed hand boat launching sites are not available in the corridor, but are being developed in Lovell Field Park in Marathon and Yaman Park in Cortland. The development of a Bluewater trail requires the provision of strategically located launch sites. The State leases fishing access rights along various sections of the River, but these are disconnected, and many have difficult access, as detailed in Section II, Part 5. The

lack of quality public access limits recreational opportunities along the Corridor, particularly for fishing, canoeing, and kayaking. The Tioughnioga River Commission has developed plans for a Tioughnioga River Trail along the River. Funding for the first segment of this trail from the Village of Homer to the City of Cortland is in place and the project is currently being designed. Public access will be promoted by:

- A. Providing convenient, well-defined, physical public access to and along the shoreline for water-related and water-enhanced recreation, such as canoeing and kayaking. The development of interconnected riverfront trails is encouraged as a means to provide enhanced access to the River as well as increased recreational opportunities.
- B. Developing appropriate landward public improvements, such as docks and boat launches, to establish the river as a Bluewater trail.
- C. Providing a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and needs of special groups.
- D. Protecting, maintaining, and improving existing public access and water-related recreation.
- E. Providing additional physical public access and recreation facilities at public sites.
- F. Providing physical access linkages throughout the waterfront.
- G. Including physical public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit the public's use and enjoyment of public waterfront lands and waters.
- H. Providing incentives to private development which provides public access and/or water-related recreation facilities.
- I. Restricting public access and water-related recreation on public lands only where incompatible with public safety and/or protection of natural resources.
- J. Ensuring access for the general public at locations where State or federal funds are used to acquire, develop, or improve parkland.
- K. Encouraging the State to acquire additional fishing access locations, and providing adequate signage and access, including parking to such sites.
- L. Working with the State to establish a State Park along the Tioughnioga River Corridor that will provide access to the waterfront.

## **9.2 Provide public visual access from public lands to waterfront lands and waters or open space at all sites where physically practical.**

The Tioughnioga River Corridor is defined in large part by its open spaces and wide vistas. Because much of the waterfront land is privately owned, significant levels of visual access is provided by roadways and bridges, which should be considered in implementing this policy. The visual character of the Corridor should be protected and preserved by:

- A. Avoiding loss of existing visual access by limiting physical blockage by development or activities. Minimize adverse impact on visual access.
- B. Mitigating the loss of visual access by providing for on-site visual access or additional and comparable visual access off-site.
- C. Increase visual access wherever practical and preserve and improve the quality of the viewshed.

## **9.3 Preserve the public interest in and use of lands and waters held in public trust by the State, and other public entities.**

As detailed in Section II, only a small percentage of lands (< 5%) in the Corridor are owned by State or local governments. Surface waters of the Tioughnioga River and lakes in the Corridor, are in the public realm, although the underwater lands are generally owned by adjacent property owners. The public interest in land and water owned by local, State, or the federal government will be preserved by:

- A. Limiting grants, easements, permits, or lesser interests in lands underwater to those instances where they are consistent with the public interest in the use of public trust lands.
- B. Determining ownership, riparian interest, or other legal right prior to approving private use of public trust lands under water.
- C. Limiting grants, including conversion grants, in fee of underwater lands to exceptional circumstances.
- D. Reserving such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.
- E. Evaluating opportunities to re-establish public trust interests in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits resulting from the public trust doctrine.

#### **9.4 Assure public access to public trust lands and navigable waters.**

The Tioughnioga River is not navigable to motorized vessels. Lakes within the Corridor, including Song Lake, Tully Lake, and Little York Lake, are navigable by small, motorized vessels. Otherwise, use is limited to canoes and kayaks. In this regard, the development of the river as a bluewater trail is a priority and the provision of public access is key to this strategy. Public access will be provided by:

- A. Ensuring that the public interest in access below mean high water and to navigable waters is maintained.
- B. Allowing obstructions to public access only when necessary for the operation of water-dependent uses and their facilities.
- C. Permit interference with public access for riparian non-water-dependent uses in order to gain the minimum necessary reasonable access to navigable waters.
- D. Use the following factors in determining the minimum access necessary:
  - a) the size and nature of the water body;
  - b) the uses of the adjacent waters by the public;
  - c) the traditional means of access used by surrounding similar uses; and
  - d) whether alternative means to gain access are available.
- E. Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.
- F. Establishing public docks, launches and other access improvements needed to support use of the river by canoeists and kayakers. Such access will be provided, where possible, through enhancements to existing public facilities

## **WORKING WATERFRONT POLICIES**

### **Policy 10 Protect water-dependent and water-enhanced uses and promote siting of new water-dependent uses in suitable locations.**

The intent of this policy is to protect existing water-dependent and water-enhanced uses, to promote future siting of water-dependent and enhanced uses at suitable locations, and to encourage existing waterfront businesses to utilize and capitalize on their waterfront location.

Water-dependent uses are activities which require a location in, on, over, or adjacent to the water because the activity requires direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses may include public and private marinas, yacht clubs, boat yards, fishing facilities, water borne commerce, or charter boats. At this time, water dependent uses in the Corridor are limited to recreational uses, including fishing and boating. Docks and access facilities for recreational canoes and kayaks are considered water dependent uses. There are no water-dependent industrial or commercial business or uses.

Water-enhanced uses are activities which do not require a location adjacent of the waterfront but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational (walking, biking), cultural (museums, theaters) and retail or entertainment uses (shops, restaurants). Water-enhanced uses in the Tioughnioga River Corridor are limited to parks and recreational facilities, although there are businesses, including hotels and restaurants, located on the waterfront that do not take advantage of their waterfront location.

It is also the intent of this policy to enhance the economic viability of water-dependent and water-enhanced uses by ensuring adequate infrastructure for these uses and their efficient operation.

#### **10.1 Protect existing water-dependent and water-enhanced uses.**

Water-dependant and water-enhanced uses currently are limited to recreational-oriented uses. These current uses, and future water-dependent and water-enhanced uses, will be protected by:

- A. Avoiding actions that would displace, adversely impact, or interfere with existing water-dependent and water-enhanced uses.

#### **10.2 Promote maritime centers as the most suitable locations for water-dependent uses.**

The Tioughnioga River Corridor does not have a maritime center, and thus this policy is not applicable.

### **10.3 Allow for development of new water-dependent uses outside of maritime centers.**

The Tioughnioga River Corridor does not have a maritime center, and thus this policy is not applicable.

### **10.4 Improve the economic viability of water-dependent and water-enhanced uses by allowing for non-water-dependent or water-enhanced accessory and multiple uses.**

Many water dependent and water-enhanced uses often contain and are supported by non water-dependent or water-enhanced uses that are complementary and supportive to such uses and do not impair their ability to function. These non-water-dependent used often provide beneficial support and positively affect the working waterfront. Such uses are allowed provided that:

- A. Uses do not preclude future expansion of a water-dependent use.
- B. Uses are sited and operated so as not to interfere with the principle operation of the site for a water-dependent use.
- C. Make beneficial use of a waterfront location through siting and design to increase public enjoyment of the waterfront.
- D. Improves the waterfront and its character.
- E. Water enhanced uses to be accommodated along the Tioughnioga River include those related to a Bluewater trail, such as picnic areas, parking lots, restrooms, restaurants, or other uses that provide services or goods to trail users.

### **10.5 Minimize adverse impacts of new and expanding water-dependent uses and provide for their safe operation.**

New and expanding water-dependent or water-enhanced uses should be sited where there is:

- A. Adequate upland for support facilities and services.
- B. Sufficient landside access.
- C. Minimization of effects on wetlands and other important natural features.
- D. Minimization of negative effects on the viewshed and visual character of the Corridor.

**10.6 Provide sufficient infrastructure for water-dependent and water-enhanced uses.**

In order to provide sufficient infrastructure, Corridor communities will:

- A. Encourage water-dependent and water-enhanced uses to be developed in areas already served by municipal infrastructure, including water, sewer, storm sewers, roadways and sidewalks.
- B. Provide for services and facilities to facilitate recreational navigation.

**10.7 Promote efficient harbor operation.**

There are no harbors in the Tioughnioga River Corridor, thus this policy is not applicable.

## **Policy 11 Promote sustainable use of living aquatic resources.**

Living aquatic resources play an important role in the social and economic well-being of the people of waterfront communities. Commercial and recreational uses of living aquatic resources constitute an important contribution to the economy of the region and the State. In the Tioughnioga River Corridor, there are no commercial uses of living aquatic resources, and no potential for significant commercial uses, other than recreation fishing charters.

Use of living aquatic resources is limited to recreational fishing, including trout fishing. Recreational fishing in the River Corridor is an important component in Cortland County's tourism efforts. Continued use of these resources depends on maintaining long-term health and abundance of fisheries and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster occurrence and abundance of living aquatic resources. Allocation and use of the available resources must: (1) be consistent with the restoration and maintenance of healthy stocks and habitats, and (2) maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for recreational fisheries.

### **11.1 Ensure the long-term maintenance and health of living aquatic resources.**

The health of fish populations and other aquatic resources are important to the Corridor's tourism economy, and will be maintained and improved by:

- A. Ensuring that recreational uses of living aquatic resources, particularly the indigenous trout population, are managed in a manner that results in sustained useable abundance and diversity; does not interfere with population and habitat maintenance and restoration efforts; and uses best available scientific information in managing the resources.
- B. Protecting, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.
- C. Fostering occurrence and abundance of aquatic resources by protecting spawning grounds, habitats, and water quality; and enhancing and restoring fish habitat, particularly for trout.

### **11.2 Provide for recreational use of aquatic resources.**

Within Cortland County, recreational use of aquatic resource primarily involves fishing. This policy will be accomplished by:



- A. Maximizing the benefits of aquatic resource use so as to provide a valuable recreational resource experience.
- B. Protecting the public health and the marketability of fishery resources by maintaining and improving water quality.

### **11.3 Maintain and strengthen a stable commercial fishing fleet.**

There is no commercial fishing fleet on the Tioughnioga River, therefore this policy does not apply.

### **11.4 Promote recreational use of aquatic resources.**

The recreation use of the Tioughnioga River's aquatic resources, particularly its trout fisheries will be promoted by:

- A. Providing opportunities for recreational use of aquatic resources and adequate public access to quality fishing areas.
- B. Provide adequate infrastructure to meet recreational needs, including appropriate fishing access areas, signage, and parking.

### **11.5 Promote managed harvest of shellfish originating from uncertified waters.**

There is no shellfish harvesting in the Tioughnioga River Corridor, therefore this policy does not apply.

### **11.6 Promote aquaculture.**

Aquaculture will be promoted in the Tioughnioga River Corridor through the following policy standards:

- A. Encouraging aquaculture of economically important species.
- B. Protecting native stocks from potential adverse biological impacts due to aquaculture.

## **Policy 12 Protect agricultural lands**

The intent of this policy is to conserve and protect agricultural land by preventing the conversion of farmland to other uses and protecting existing and potential agricultural production. Agricultural acreage has been reduced over time, although agricultural uses still account for over 50% of all land used in the Tioughnioga River Corridor. Agriculture is a mainstay of the Cortland County economy, and most of the County's prime agricultural land is located in the Tioughnioga River Corridor. Protecting the remaining agricultural land is necessary to ensure preservation of the agricultural economy, farming heritage, open space, and scenic quality.

### **12.1 Protect existing agriculture and agricultural lands from conversion to other land uses.**

Agricultural lands in the Corridor are continually under development pressures, particularly since the Corridor includes the County's major transportation routes including Interstate 81. The conversion of agricultural land will result in the eventual loss of the Corridor's character and identity. This policy is applicable to agricultural districts and active and inactive agricultural lands previously described in Chapter 1 of Section II and accompanying maps. Protection of agricultural land and uses in the corridor will be accomplished by:

- A. Protecting existing agricultural use and production from adverse impacts due to public infrastructure and facility development; creation of other conditions which are likely to lead to conversion of agricultural lands; and environmental changes which are likely to reduce agricultural productivity or quality, including, but not limited to, quantitative and qualitative changes to groundwater resources.
- B. Providing sufficient buffers as part of any new residential and commercial development when it is located near agricultural land.
- C. Discouraging commercial development of productive, active farmland.
- D. Avoiding the incremental loss of farmland and open space through the cumulative effects small scale development, including individual homes and businesses.
- E. Encouraging development to occur within or adjacent to existing hamlets, villages, or the City.

## **12.2 Establish and maintain favorable conditions which support existing or promote new agricultural production.**

The active use of agricultural land is important in not only preserving the character of the Corridor, but the economy of the County and region. Agricultural production will be supported by:

- A. Promoting new and maintaining existing local services and commercial enterprises necessary to support agricultural operations.
- B. Providing economic support of existing agriculture by allowing mixed uses which would assist in retention of the agricultural use.
- C. Promoting activities and market conditions that would likely prevent conversion of farmlands to other land uses.

## **12.3 Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.**

There may be instances where the conversion of agricultural lands is unavoidable. In such cases, Corridor communities will:

- A. Minimize encroachment of commercial, industrial, institutional, or residential development on agricultural lands.
- B. Retain or incorporate opportunities for continuing agricultural use.
- C. Locate and arrange development to maximize protection of the highest quality agricultural land in large contiguous tracts for efficient farming.

## **12.4 Preserve scenic and open space values associated with agricultural lands.**

The Tioughnioga River Corridor is defined by its large open spaces and expanses of agricultural land. These will be preserved by:

- A. Locating and arranging development to maximize protection of agricultural land in large contiguous tracts to protect associated scenic and open space values.
- B. Allowing farms to operate using appropriate modern techniques and structures without consideration of scenic values, although they are strongly urged to consider such impacts in their farming practices.

- C. Providing adequate setbacks, buffering, and screening of new non-agricultural developments outside of hamlets, Villages, and the City, in order to protect the viewshed and open space quality of the Corridor, particularly along Interstates, U.S. highways, and New York State routes.
- D. Designing new commercial buildings in keeping with indigenous, historic architecture of the River Corridor, including use of natural materials, in cases where such buildings are readily visible from Interstates, U.S. highways, and New York State routes.

### **Policy 13 Promote appropriate use and development of energy and mineral resources.**

In dealing with energy problems, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design, and efficiency in energy generation are the best means for reducing energy demands. Reduced demand for energy reduces the need for construction of new facilities that may have adverse impacts on waterfront resources.

In addition to the impacts of construction of new energy generating facilities, the potential impacts of oil and gas extraction and storage and mineral extraction must be considered. In particular are the potential adverse impacts of mining activities on aquifers.

Policy standard applicable to Policy 13 include the following:

#### **13.1 Conserve energy resources.**

The conservation of energy should be an important part of prudent future planning. Energy efficiency can be achieved through several means that fall into the jurisdictions of local governments, including:

- A. Promoting and maintaining energy efficient modes of transportation, including rail freight and intermodal facilities, mass transit, and alternative forms of transportation.
- B. Plan and construct sites and new developments using energy efficient design, layout, and technology.
- C. Capture heat waste from industrial processes for heating and electric generation.
- D. Improve energy generating efficiency through design upgrades of existing facilities.
- E. Providing flexible local zoning that promotes mixed use developments, clustering of developments, and requires amenities such as sidewalks, crosswalks, and trails to promote connections between homes and workplaces and encourage pedestrian, bicycle, and other alternative modes of transportation.

### **13.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.**

Such uses will be encouraged, providing that they:

- A. Are sited to avoid interference with waterfront resources, including migratory birds, and fisheries.
- B. Are sited and designed to minimize their impact on the rural viewshed and visual quality of the Corridor.

### **13.3 Prohibit development of major energy generating facilities in the Tioughnioga River Corridor.**

Major energy generating facilities are inconsistent with the character of the Tioughnioga River Corridor, and should not be allowed within the Corridor.

### **13.4 Minimize adverse impacts from fuel storage facilities.**

The following will be use to protect the Tioughnioga River Corridor from adverse impacts:

- A. Regional petroleum reserve facilities are inappropriate in the waterfront area and will not be allowed.
- B. The production, storage, or retention of petroleum products in earthen reservoirs is prohibited in the Corridor.
- C. Liquefied Natural Gas facilities must be safely sited and operated.
- D. Protect natural resources by preparing and complying with an approved oil spill contingency plan.
- E. Existing petroleum storage facilities should be encouraged to relocate storage of petroleum products away from the waterfront as part of any significant improvements, redevelopment, or other significant changes to the facility.

### **13.5 Minimize adverse impacts associated with mineral extraction.**

Over 513 acres, or 3.3% of all land in the corridor, is used for gravel mining. This mining largely supports a major industrial employer in Cortland County. Although commercial sand, gravel, and aggregate mining is generally presumed to be an inappropriate use in the waterfront area, it is nonetheless an important part of the local economy. The adverse impacts from mineral extraction will be minimized by:

- A. Preserving topsoil and overburden using appropriate site preparation techniques and subsequent site reclamation plans.
- B. Requiring that site reclamation plans allow for and encourage continued, active use of the site and surrounding lands following reclamation.
- C. Implementing best management practices to minimize the adverse impacts of active mining operations, including noise, dust, pollution, and traffic, on neighboring uses.

## DEFINITIONS

Selected terms used in the policies are defined as follows:

***Accretion*** means the gradual and imperceptible accumulation of sand, gravel, or similar material deposited by natural action of water on the shore. This may result from a deposit of such material upon the shore, or by a recession of the water from the shore.

***Agricultural land*** means land used for agricultural production, or used as part of a farm, or having the potential to be used for agricultural production. Agricultural lands include lands in agricultural districts, as created under Article 25-AA of the Agricultural and Markets Law; lands comprised of soils classified in soil groups 1, 2, 3, or 4 according to the New York State Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

***Aquaculture*** means the farming of aquatic organisms, including fish, mollusks, crustaceans, and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies ownership of the stock being cultured.

***Best management practices*** means methods, measures, or practices determined to be the most practical and effective in preventing or reducing the amount of pollutants generated by nonpoint sources to a level compatible with water quality standards established pursuant to section 17-0301 of the Environmental Conservation Law. Best management practices include, but are not limited to, structural and non-structural controls, and operation and maintenance procedures. Best management practices can be applied before, during, or after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

***Boating facility*** means a business or accessory use that provides docking for boats and encompasses 4,000 square feet or greater of surface waters, as measured by the outermost perimeter of the dock, and is designed to accommodate six (6) or more boats.

***Development***, other than existing development, means any construction or other activity which materially changes the use, intensity of use, or appearance of land or a structure including any activity which may have a direct and significant impact on coastal waters. Development shall not include ordinary repairs or maintenance or interior alterations to existing structures or traditional agricultural practices. The term shall include division of land into lots, parcels, or sites.



***Historic resources*** means those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows: any historic resource in a Federal or State park established, solely or in part, in order to protect and preserve the resource; any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places; any cultural resource managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust; any archaeological resource which is on the inventories of archaeological sites maintained by the Department of Education or the Office of Parks, Recreation, and Historic Preservation; any resource which is a significant component of a Heritage Area; any locally designated historic or archaeological resources protected by a local law or ordinance.

***Maritime center*** means a discrete portion or area of a harbor or bay that is developed with, and contains concentrations of water-dependent commercial and industrial uses or essential support facilities. The harbor or bay area is a center for waterborne commerce, recreation, or other water-dependent business activity and, as such, is an important component of the regional transportation system. A maritime center is characterized by: sheltered and suitable hydrologic conditions; land- and water-based infrastructure, essential for the operation of water-dependent commercial and industrial uses, extant or easily provided; physical conditions necessary to meet the citing and operational requirements of water-dependent uses; close proximity to central business districts; and limited high value natural resources.

***Maritime support services*** means industrial, commercial, or retail uses which provide necessary goods and services to water-dependent businesses, thus enabling these businesses to operate in an efficient and economically viable manner.

***Native or indigenous stock*** means fish, shellfish, and crustaceans originating in and being produced, growing, living, or occurring naturally in the coastal waters.

***Natural ecological community*** means a variable assemblage of interacting plant and animal populations that share a common environment.

***Natural protective features*** means a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon.

***Public trust lands*** means those lands below navigable waters, with the upper boundary normally being the mean high water line, or otherwise determined by local custom and practice. Public trust lands, waters, and living resources are held in trust by the State or by the trustees of individual towns for the people to use for walking, fishing, commerce, navigation, and other recognized uses of public trust lands.

***Rare ecological communities*** means ecological communities which, according to the State Natural Heritage Program, qualify for a Heritage State Rank of S1 or S2; and those which qualify for both a Heritage State Rank of S3, S4 or S5; and an Element Occurrence Rank of A.

***Traditional waterfront communities*** means communities which historically have contained concentrations of water-dependent businesses; possess a distinctive character; and serve as a focal points for commercial, recreational, and cultural activities within the region.

***Vulnerable fish and wildlife species*** means those listed in 6 NYCRR Part 182.5 as Endangered Species, Threatened Species, and Special Concern Species.

***Vulnerable plant species*** means those listed in 6 NYCRR Part 193.3 as Endangered Species, Threatened Species, Exploitably Vulnerable Species, and Rare Species.

***Water-dependent use*** means a business or other activity which can only be conducted 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 use*** means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses.

***Waterfront Redevelopment Area*** means a waterfront area that is part of or near a business district and contains blighted or underutilized properties which are adequate in size to accommodate significant redevelopment of regional or statewide benefit. The following factors shall be considered in identification of waterfront redevelopment areas: (1) evidence of community commitment and initiative; (2) participation in the Local Waterfront Revitalization Program; (3) adequacy of local land and water use regulations; (4) adequacy of infrastructure; (4) opportunities for local and regional economic growth; and (5) opportunities for improved public access, environmental quality, and creation of local activity centers.