

**SECTION V**  
**TECHNIQUES FOR IMPLEMENTATION**

## **SECTION V - Techniques for Local Implementation**

### **A. Local Laws and Regulations**

This section describes the techniques for implementation of the Village of Middleport LWRP. It describes the land use controls that have been enacted by the Village to implement the policies and projects of the LWRP.

#### **1. Environmental Quality Review Law (Chapter 88)**

This law requires that no action can be carried out without full compliance with the requirements of Chapter 88 and the SEQRA regulations (6 NYCRR Part 617).

#### **2. Flood Prevention Damage Law (Chapter 102)**

The purpose of this chapter of the Village Code is to protect public health, safety, and welfare and minimize losses due to flood conditions in specific areas. In conformance with the requirements of the National Flood Insurance Program, and to qualify for participation in this program, this law outlines the standards for construction in areas of special flood hazard and restrictions on encroachments and other activities in designated floodways. The law also sets forth a process for obtaining a development permit for this development in the floodplain.

#### **3. Mobile Homes and Trailers Law (Chapter 127)**

This law sets forth specific requirements and regulations governing the occupancy and maintenance of mobile homes, mobile home parks, travel trailers and trailer camps. It establishes development standards and other supplementary regulations, and outlines the permitting process for such actions.

#### **4. Property Maintenance Law (Chapter 143)**

This law required that all owners or occupants of land in the Village of Middleport must keep their grass cut and maintained. This law establishes penalties for failure to comply.

#### **5. Sewers Law (Chapter 150)**

Chapter 150 requires that all persons in the Village of Middleport must connect to the sewer system. Once connected, no person can introduce pollutants into the treatment works that would interfere with regular operation of the wastewater treatment plant, pollute receiving waters, or pollute the atmosphere. This section of Village Code also outlines the permits required to use the sewerage system, the types of restricted wastes, and guidelines for industrial usage.

#### **6. Solid Waste Law (Chapter 158)**

In compliance with the mandates of the New York State Solid Waste Management Act of 1988, the Village adopted Chapter 158. This law establishes a curbside collection program for recyclables in the Village and defines what materials must be recycled, and the proper preparation and disposal methods to be utilized.

## **7. Streets and Sidewalks Law (Chapter 163)**

The repair, maintenance, and construction of streets and sidewalks are governed under Chapter 163. The types of materials to be used, who is responsible for funding these projects, and how the work is to be carried out are all defined of this chapter of the Village Code.

## **8. Trees Law (Chapter 178)**

This law establishes a Tree Board, in an advisory capacity to conduct tree censuses and report their findings, as deemed necessary, to the Village Board. This law also requires that maintenance, planting, trimming, removal, and other activities pertaining to trees or shrubs located within the Village rights-of-way on any street, park or other public property shall be performed under the supervision of the Superintendent of Public Works, and not by private persons.

## **9. Zoning (Chapter 200)**

This chapter regulates and restricts, by district, the location, construction, and use of buildings and structures, and the use of land in the Village of Middleport. This law specifies the process for obtaining building permits and certificates of occupancy, as well as the duties of the designated Code Enforcement Officer. Chapter 200 also establishes the Zoning Board of Appeals and outlines their duties. It also contains regulations specific to the siting of wireless telecommunications towers and facilities.

To implement the policies and provisions of the Village of Middleport Local Waterfront Revitalization

Program, amendments were made to the Village Code (see Appendix A). These amendments promote tourism, enhance activity in the central business district, protect environmental and scenic resources, and promote general well being in the Village. The amendments are as follows:

### **a. Light Industrial (I-1) District**

The Village amended Chapter 200 of the Village Code to adopt a Light Industrial zoning classification to allow for less intensive manufacturing uses. Previously, the Zoning Ordinance contained only one industrial district, which allowed for a wide range of uses that were more intensive and not suitable for areas that abut residential neighborhoods. To alleviate potential nuisance conditions and allow for more transitional uses, this new classification permits light manufacturing, warehousing, office and other such uses, that are more compatible with residential uses.

### **b. Zoning Map Revisions (see Map 10)**

The Village's zoning map was revised to rezone parcels near the Canal and Jeddo Creek for development suitable to their waterfront locations, scenic qualities and environmental constraints. Other lands along the railroad corridor were also rezoned to allow for lighter manufacturing and commercial uses.

## **10. Local Consistency Review Law**

Actions to be directly undertaken, funded or permitted within the local waterfront revitalization area must be consistent with the policies of the Village of Middleport LWRP. Through the adoption of a consistency review law, the Village established the legal framework required for the review of direct and indirect actions with the LWRP.

## **11. Site Plan Review Regulations**

The Village adopted site plan review regulations to properly oversee future land development activities. Applicants are required to submit site plans for review for projects over a certain size to allow for the review of stormwater management systems, flood damage and erosion control (where required), and to control site and roadway access and design, landscaping and the overall use of the site.

## **B. Other Public and Private Actions Necessary to Implement the LWRP**

### **1. Park and Shoreline Improvements**

The Village shall oversee the acquisition, design, renovation and construction of the proposed parks and facilities outlined in Section IV of the LWRP. The Village should also collaborate with the New York State Canal Corporation to initiate the proposed park improvements on lands owned by that agency, as well as directing all necessary repairs to Canal infrastructure (as outlined below).

### **2. Land Annexation**

To improve the Village tax base and provide public infrastructure to existing residential development that is in need of adequate water and sewer services, the Village will seek to annex a small area of the Town of Royalton. This area is located east of the Village boundary, between the railroad corridor and Town boundary line.

### **3. New York State Canal Corporation**

The maintenance of sea walls and protective barriers on the Erie Canal is the responsibility of the New York State Canal Corporation. The repair of the wall, particularly in the vicinity of the lift bridge, is required (as outlined in Section IV).

The New York State Canal Corporation also is responsible for promoting the Erie Canal. Future publications of Destinations along the Canal should include promotional insights about the Village of Middleport to assist the Village with its efforts to boost tourism.

The New York State Canal Corporation should work closely with the Village of Middleport to initiate the improvement and revitalization of certain waterfront lands that are currently owned by the State. Such efforts, as outlined in Section IV, would allow the Village to enhance the use of the waterfront and promote tourism.

At present, the lift bridge operator for the Village of Middleport rotates between the Village and the Village of Gasport bridges. The State Canal Corporation should work with the Village to install a full time operator at the Middleport bridge to allow for better coverage during the summer boating season.

#### **4. Niagara County Industrial Development Agency**

In order to continue to provide adequate employment and economic opportunities in the Village of Middleport, the Niagara County Industrial Development Agency is encouraged to promote the development of appropriate industrial lands in the Village of Middleport.

#### **5. Village of Middleport Beautification Committee**

The Village of Middleport Beautification Committee has successfully operated for over five years performing landscaping and maintaining community information boards along the Canal. Their foremost stewardship is anticipated to continue towards the design and upkeep of existing and proposed canal-side facilities and amenities.

### **C. Management Structure Necessary to Implement the LWRP**

The review of proposed actions for consistency with the policies and provisions of the Village of Middleport LWRP will be undertaken by the Village agency that receives the application for funding or approval. Prior to undertaking, approving, permitting or funding any Type I or Unlisted action in the Village of Middleport, as defined by the Village's Environmental Quality Review Law, the respective agency shall review the submittal Waterfront Assessment Form to determine if the action is consistent with the LWRP. Appendix D contains a copy of the Local Waterfront Revitalization Program Consistency Review Law, which more fully sets forth the local review process (a copy of the Waterfront Assessment Form can be found in Appendix B). All State actions proposed within the Village shall be reviewed in accordance with the guidelines established by the New York State Department of State (see Appendix E).

### **D. Financial Resources Necessary to Implement the LWRP**

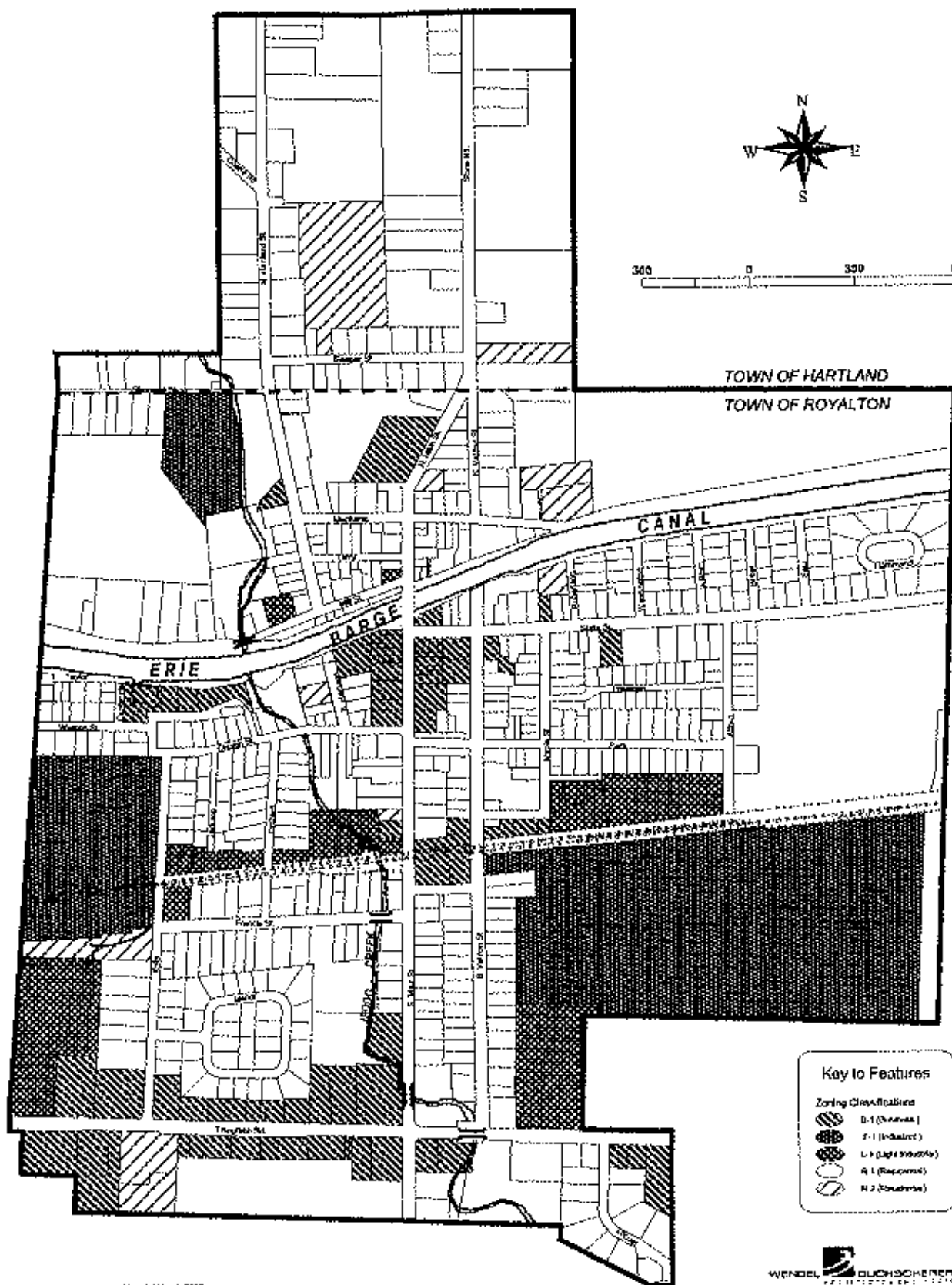
The implementation of the proposed projects identified under Section IV will require an undetermined amount of public funding. The Village shall work diligently to secure funding through grants programs and other funding assistance programs to the greatest extent possible.

The Village is obligated to fund a portion of the construction and renovation costs of proposed improvements on Village owned property. There are grants available from state and federal agencies that the Village hopes to obtain and leverage local funds against.

The State of New York, particularly the New York State Canal Corporation, funds the continued maintenance of the Canal and adjoining lands. These actions are necessary to support the growing tourism and boating activities along the Canal in Middleport and Statewide.

# ZONING MAP FOR THE VILLAGE OF MIDDLEPORT

MAP 10



Source:  
Proposed Zoning Information prepared by Wendel March 2000  
Village of Middleport property data located within the Town of Hartland obtained from Niagara County Tax maps by Wendel 7/22/04  
Village of Middleport property data located within the Town of Royalton obtained from digital files current to 7/22/04 provided by Niagara County Real Property Services

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