

Village of Athens Local Waterfront Revitalization Program

Adopted:

Village of Athens, Board of Trustees, September 23, 1999

Approved:

NYS Secretary of State Randy A. Daniels, September 20, 2001

Concurred:

U.S. Office of Ocean and Coastal Resource Management, March 21, 2002

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

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VILLAGE OF ATHENS

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SECTION I
WATERFRONT REVITALIZATION BOUNDARY

I. WATERFRONT REVITALIZATION BOUNDARY

A. Description of Coastal Area Boundary

1. Inland Boundary

BEGINNING at the intersection of the northern boundary of the Village of Athens and Route 385;

Thence, south along Route 385 to a point due east of the Sleepy Hollow Lake dam;

Thence, west across the Sleepy Hollow Lake dam to its western end;

Thence, south to the intersection of Union Street and Vernon Street;

Thence, south along Vernon Street, to Third Street;

Thence, west along Third Street and the Leeds Road to a point 200 feet east of the small creek flowing in a southerly direction;

Thence, south along a line 200 feet east of and parallel to said small creek to its intersection with Route 385;

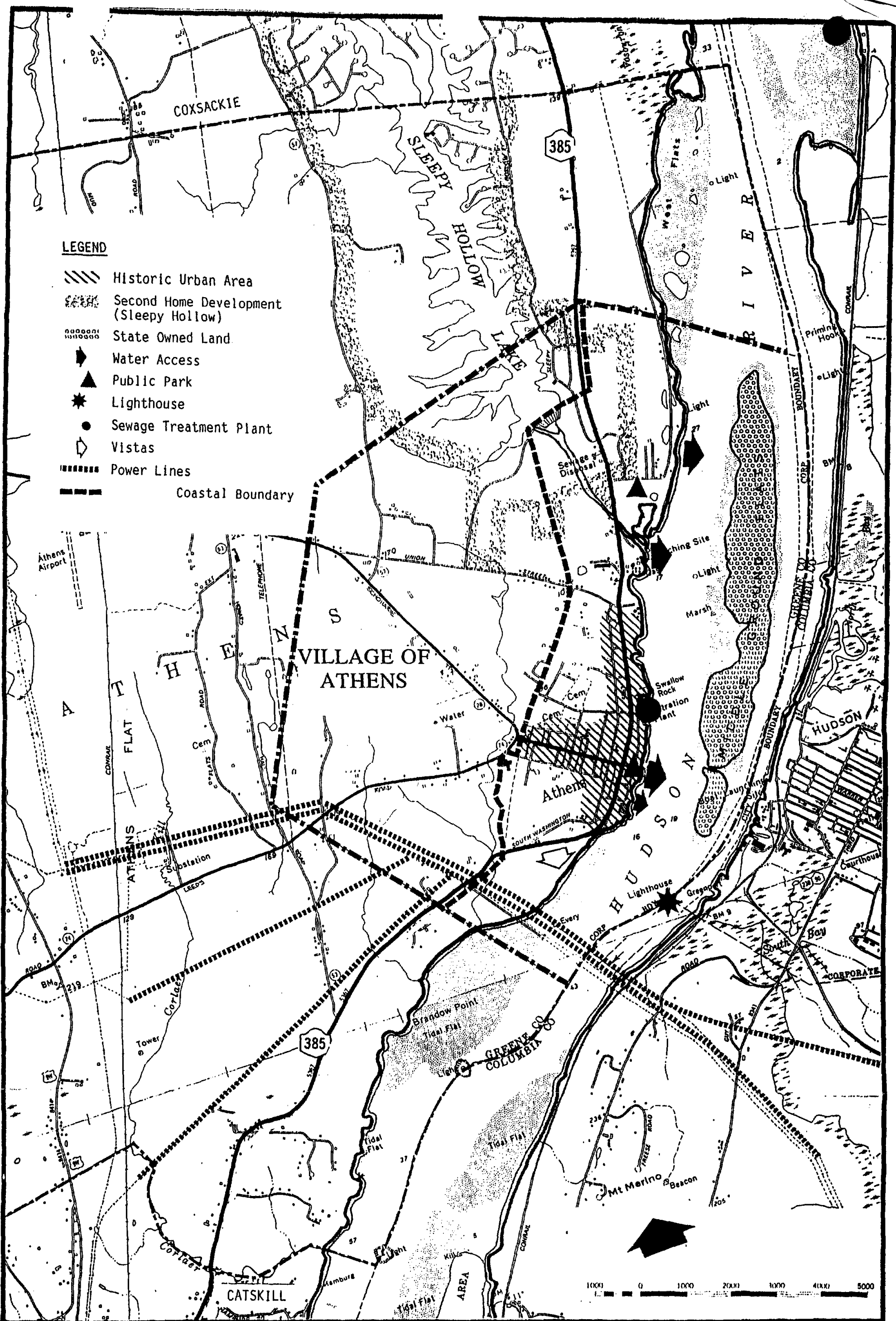
Thence, south along Route 385 to the southern boundary of the Village of Athens.

2. Waterside Boundary

BEGINNING at the intersection of the northern boundary of the Village of Athens and the eastern boundary of Greene County in the Hudson River.

Thence, southerly along the eastern boundary of Greene County to its intersection with the southern boundary of the Village of Athens.

Map 1 on the following page graphically displays the location of the Coastal Area Boundary.



Local Waterfront Revitalization Program
VILLAGE OF ATHENS
 Shuster Associates Planning Consultants

COASTAL BOUNDARY AND RECONNAISSANCE

Map No.
1

SECTION II
INVENTORY AND ANALYSIS

II. INVENTORY AND ANALYSIS

A. Introduction

The Village of Athens' waterfront is along the Hudson River. This waterfront, in addition to approximately one-half mile of frontage along Murderers Creek, comprises the area within the Village's Coastal Zone. The Middle Ground Flats, an island in the middle of the Hudson River approximately two miles long and 1,200 feet wide, is also included in the Coastal Area. The Coastal Area is bounded on the west by NYS Route 385 except where the boundary extends inland approximately one-half mile to include the more developed section of the Village.

Although the Coastal Area includes only a small section of the Village, it contains a wide variety of land uses and physical features. The Village is densely developed, consisting primarily of older, single-family homes as well as commercial and industrial uses. Most of the coastal area lies within the Athens Lower Village Historic District listed on the National Register of Historic Places. See Map 1, Coastal Boundary and Reconnaissance, for an overview of the coastal resources.

The following inventory and analysis examines existing conditions and identifies issues of concern and opportunities for enhancement of the waterfront environment.

A Waterfront Questionnaire was distributed in the community to assess community valuation of existing and potential land use, recreational activities and community character. The Questionnaire and the responses received are found in Appendix A.

B. Existing Land and Water Uses (See Map 2)

Within the Village, residential use predominates with smaller areas in commercial or industrial uses, as well as some forest/brushland.

The Village contains many historic buildings that provide a visible history of its development. A Multiple Resource listing on the National Register of Historic Places includes the Athens Lower Village Historic District, the Brick Row Historic District and three individual structures, the Albertus Yan Loon House, the DelVecchio House, and the Zion Lutheran Church. (See Map 3). The Hudson-Athens Light-house is also listed on the National Register.

The majority of the store fronts in the central business area are now unoccupied while the others have been converted into apartments. The former opera house which had been converted into a mill, is now vacant. A branch office of Key Bank and the Post Office as well as the remaining private businesses do bring people into the Village core. Provision of adequate parking, perhaps through public use of the private parking lot on North Franklin Street, and promotional activities could support a rejuvenation of the business district. New business should be encouraged to locate in this central core.

Highway oriented strip commercial development exists along Route 385 north of Market Street. This strip development consists mainly of unsightly open storage of automobiles and parts. Industrial uses are located on the waterfront and consist of petroleum storage tanks, manufacture of road surfacing products, metals fabrication, and electronics manufacture. The petroleum and road surfacing businesses receive delivery of materials by barge.

The public and semi-public uses include several churches, the Little League Field, Athens Recreation Association swimming pool, the Rainey Field softball field and the Athens Riverfront Park. The area's only commercial marina/restaurant, Hagar's Harbor, is located in the northeast sector of the Village, behind "Brick Row", a line or row of houses that formerly housed railroad workers in the 1800's. Stewart House Restaurant and Bed and Breakfast

capitalizes on its waterfront location. Businesses for docking, storing and servicing boats are also located on Water Street.

A very large recreational subdivision north of the Village, Sleepy Hollow Lake, although outside the Coastal Boundary, has potential to greatly alter the future character of the Athens Coastal area. Centered around a large man-made lake, the Sleepy Hollow Development Corporation has mapped out some 1,600 small parcels being marketed for recreational or seasonal second home development. To date, only 30 or 40 such homes have been constructed. A resurgence of lot sales has recently occurred, however, with approximately 400 lots sold in the latter half of 1984. The bulk of the Sleepy Hollow property is situated west of Route 385, extending from the northern end of the Village all the way into the Town of Coxsackie. As development progresses, demand for services and other "spin-off" effects will increase. New strip development could develop in response.

C. Water-Dependent Uses

The following water-dependent uses exist in the coastal area:

Peckham Materials and Amos Post: Both have oil storage facilities which receive materials by water and are located just south of Murderer's Creek.

Hagar's Harbor: This is the only commercial marina in the coastal area. Located north of Murderer's Creek, it provides docking space, boat rentals and supporting facilities in addition to a restaurant.

State Boat Launch: Located on Murderer's Creek, this facility is actively used and provides river access for residents and non-residents. It is operated by the Office of Parks, Recreation and Historic Preservation.

Athens Riverfront Park: This small riverside park has picnic tables, a small dock and parking for a few cars. The park is used mostly for passive recreation and is also the site of the Annual Athens Riverfront Festival. The filled land at the park is beginning to erode making the improvement of the dockage difficult and creating shallow water conditions.

The Hudson River provides a portion of the water supply for fire fighting in the Lower Village area. Fire trucks drive into the park to pump water from the River. A stand pipe and hydrant would alleviate this situation making the job for the fire fighters easier, especially when there is ice on the River, and removing an unattractive driveway from the park landscape.

Village Sewer Treatment Plant: The plant is located in the commercial section of the Village. At the site, there is sufficient land for a secondary use. Benches, lawns and a small beach area provide visual and physical access to the river.

Boat Storage Facility: This site located just north of the ferry slip is used for the winter storage of boats and a ramp for launching boats stored there. The facility is not large and could be expanded.

D. Underutilized, Abandoned or Deteriorated Sites

The following underutilized, abandoned or deteriorated sites exist in the coastal area:

Deep Water Sites: Two underutilized deep water sites exist within the Village. One is located on the Teicher Metals grounds. The other is found just behind Van

Valkenburg's Garage adjacent to vacant property on Water Street. These two areas are excellent sites for new water-dependent uses.

Ferry Slip: The Athens-Hudson Ferry which operated until 1947 used the ferry slip at the foot of Second Street adjacent to the park. The slip has deteriorated and has been filled by silt. If dredged, the slip could be used for public boat docks.

Barges: A group of abandoned barges and other vessels between the two oil storage facilities are a visual blight and prevent use of the adjacent shoreline. As they deteriorate further, they will become a navigation hazard.

E. Fish and Wildlife Habitat

The Hudson River is renowned for its rich and abundant fish and wildlife resources, particularly the fishery which once supported a thriving commercial industry. The River is a major flyway for migratory waterfowl and provides a breeding grounds for a variety of wetland wildlife species. The section of the Hudson adjacent to Athens is known to be a spawning area for several anadromous fish species including American Shad, Striped Bass, Herring and the endangered Shortnose Sturgeon, as well as a variety of resident freshwater species (see Map 3).

The Department of State has designated Vosburgh Swamp and Middle Ground Flats as a Significant Habitat (see Appendix B). The habitat extends for approximately four miles along the western shore of the Hudson River, upstream from the Village of Athens. The area is located in the Towns of Coxsackie and Athens, Greene County (7.5' Quadrangle: Hudson North, NY). The fish and wildlife habitat encompasses approximately 1,200 acres, comprised primarily of extensive mudflats and shallows, off-channel open water areas, hardwood swamp, and spoil bank islands. The habitat also includes Murderer's Creek, upstream approximately 0.5 miles to Sleepy Hollow Lake dam, which is the first impassable barrier to fish. The NYS Department of Environmental Conservation recommends that the Coastal Area boundary be extended inland to include this segment of the creek.

Extensive tidal mudflats and shallow littoral zones are relatively rare in the Hudson Valley region of New York. These habitat types, along with the emergent wetlands and open water areas, make the Vosburgh Swamp and Middle Ground Flats area very attractive to many fish and wildlife species. The mudflats and littoral zones in this area provide vital feeding and resting habitat for large concentrations of waterfowl during the fall and spring migrations. Approximately 10,000 canvasbacks, along with various other waterfowl species, have been reported in the area during seasonal migrations. When open water is available, this area is also one of the most important waterfowl wintering areas in the upper Hudson Valley region, especially significant for redhead and canvasback ducks. Several spoil bank islands on Middle Ground Flats provide unique vertical sand banks that have been colonized by bank swallows. This is one of the few locations in this section of the Hudson River where this species has been confirmed to be breeding. A heavy concentration of American shad utilize the littoral zone areas surrounding Middle Ground Flats for spawning. This area, including Murderer's Creek, is also utilized as a spawning, nursery and feeding area by striped bass, alewife, blueback herring, white perch, and most of the resident freshwater species. A population of mud turtles (T) has been reported to reside in Vosburgh Swamp.

Human use of the Vosburgh Swamp and Middle Ground Flats area is of regional significance. The area receives very heavy waterfowl hunting pressure during the fall migration period. In addition, one of the northernmost commercial shad fisheries is established in the vicinity of Middle Ground Flats. An Office of Parks, Recreation and Historic Preservation boat launch is located on the south side of Murderer's Creek, providing access for recreational fishing throughout the area.

Impact Assessment: Any activity that would degrade water quality, increase turbidity or temperature, or alter depths in the Vosburgh Swamp and Middle Ground Flats habitat could affect fish and wildlife species using the area. Disruption of the freshwater or tidal flows in these areas could have major consequences to the littoral zones and mudflats which contribute significantly to the value of this habitat. Elimination of productive wetland and littoral areas, through dredging, filling, or bulkheading would have significant impacts on the fish and wildlife resources of the area.

From Black Rock south are located wetlands locally known as Minerly's Swamp. This area is also used extensively by hunters. This area should be considered for designation as locally important wetlands.

F. Freshwater Wetlands

Areas designated as Freshwater wetlands by the NYS Department of Environmental Conservation occur in a few major riverfront areas - the West Flats at the northern edge of the Village, the area where the powerlines cross the river, and a small area to the north of where Murderer's Creek joins the Hudson (see Map 3). There are also undesignated wetlands near Black Rock that should be considered for designation as locally important wetlands. Much of the Middle Ground Flats are listed. Linear stretches, tidal in nature, these areas require a permit to be developed and should be retained as much as possible as open space or conservation areas.

New York State identifies Freshwater Wetlands based on vegetation cover type, and size (12.4 acres and above). The many benefits derived from wetlands include flood protection, fish and wildlife breeding areas, assimilation of pollutants, and the recreational opportunities they provide. Some wetlands are owned privately, and others are included as the Hudson River.

G. Flood Hazard and Flood Prone Areas

Map 4 shows those areas which are prone to flooding. Flooding in the Village's Coastal Area is infrequent and normally not damaging. The most severe flooding occurs as a result of ice jams on the Hudson River or during periods when high water is driven by winds from the south. The damage from the ice jams is limited to the immediate shoreline.

H. Vegetation

Vegetation often serves as a visual buffer between two conflicting land uses. The vegetation on Middle Ground Flats acts as visual screening between the Athens Coastal Area and industrial sites located in the City of Hudson. The vegetation screening consisting of deciduous trees is best during the summer months. Such screening is beneficial in maintaining the aesthetic value of the river view from the Athens side of the river.

I. Water Quality Classifications

Water quality in the Hudson River is classified by New York State as "A", the highest classification - suitable for human consumption. Considerable concern has been expressed over the possibility of elevated levels of PCB contamination in Hudson River sediments occurring should upriver highly contaminated "hot-spots" erode and be carried downriver to the Greene County vicinity. Small tributaries to the Hudson are classified as "C" - fishing and trout and non-trout propagation. Since the Significant Habitat Narrative above includes Murderers Creek and states that the creek is a spawning, nursery and feeding area, the classification of Murderers Creek is appropriate but upgrading the classification may be desirable since the tributary empties into Class A waters of the Hudson River.

J. Important Surface and Ground Water Resources

According to the Greene County Comprehensive Public Water Supply Study prepared in 1967 by Alex Diachishin Engineers, the Hudson Valley section of Greene County does not have any bedrock capable of any moderate or large groundwater yields, and no soils that appear capable of supplying groundwater. Impoundment of surface waters is the only means of providing municipal water supplies.

Sleepy Hollow Lake, a man-made lake created by damming Murderer's Creek, is an emergency water supply for the Village. The Village's main water supply is Hollister Lake several miles inland. Deteriorated water transmission lines between Hollister Lake and the Village are limiting the amount of water available and may cause undependable delivery of water in the future. The lines need to be replaced.

A regional landfill is proposed for land over the northern tributaries of Murderer's Creek, north of Sleepy Hollow Lake. Potential impacts on the water quality of the Creek, Lake and Hudson River must be carefully evaluated. Adjacent to the northern bank of Murderer's Creek is the site of a former Town landfill. Part of the site has been developed into Rainey Park, a softball field.

K. Soils and Bedrock Formation (see Maps 5 and 6)

Soils within the Coastal Area are primarily deep Hudson silt loams or silty clay loams characterized by high water capacity, low permeability and medium or high lime content. Where slope is steep directly along the Hudson River, the surface layers are often substantially depleted by erosion. Small areas of Rhinebeck soils, which are good agricultural soils, are also located within the zone. Small sections of "Udorhents" (miscellaneous land types excavated and smooth for construction sites) may also be found. In the wetlands are tidal marsh and Carlisle Muck soils which are shallow to very deep organic or silt soils, and in the case of tidal marsh, are flooded daily. Areas adjacent to the river that are level are prone to flooding and are included in the federally-designated flood hazard boundary.

The Coastal Area is underlain by bedrock of the Deepkill and Normanskill formations. These formations consist of shale and sandstone with local complex folding and faulting. These types of bedrock exist from the sandstone, shale, chert and thin-bedded limestone. This area yields small, moderate supplies of commonly hard water with an average well yield of 6 to 10 gallons per minute.

L. Steep Slopes

A major factor which determines an area's suitability for development is the slope (steepness) of the land. For the purposes of this study, areas of excessive slope are defined as land sloping 15 percent or more. Development in such areas would require the removal of the natural vegetation, considerable regrading, and would involve a substantial risk of erosion and silting problems. Also it is difficult to farm land which has slopes exceeding 15 percent. The steep slopes map (Map 4) shows that most of the land in the Village has suitable slopes for development.

M. Public Water and Sewer Service Areas

Public water and sewer service is limited to the center core of the Village of Athens and Brick Row. In addition, the Brick Row sewage treatment facility owned by the Village is used by the Sleepy Hollow development because there are not enough housing units to run the private system.

The central treatment plant serves the center core as far west as the Coastal Area extends, north to Union Street and south to Franklin Street. The main plant operates at about half of its 400,000 gallons per day capacity.

The municipal water supply is essentially limited to the Village center core. The water systems of Sleepy Hollow Lake and the Village are connected; however, the Sleepy Hollow supply is only a back-up system to the main Village system. The Village's source is Hollister Lake approximately 6 miles northwest of the Village. The system capacity is limited to 300,000 gallons per day by the old, under-sized transmission line from the reservoir. The condition and capacity of the Village water line, if not corrected, could limit development. The transmission lines are old and frequent breaks are experienced because used pipe was installed in the 1920s.

A proposed regional landfill located in the watershed of Sleepy Hollow Lake should be carefully examined to determine the impacts of the landfill on Sleepy Hollow Lake and the Coastal Area.

The Coastal Area's electricity needs are met by Central Hudson Gas & Electric Corporation.

N. Traffic and Transportation

NYS Route 385 is the primary transportation artery in the Coastal Area.

The New York State Thruway can be accessed in both Catskill and Coxsackie, each entrance being within a fifteen minute drive. State Route 9W lies two miles inland and carries most of the north-south local traffic.

Although no rail service exists in the Coastal Area, 20 minutes away by automobile is the Hudson Amtrak station, where connections can be made to Albany and New York City.

Private bus service is provided on weekdays to Albany, Coxsackie and Catskill for commuters and shoppers. In addition, public bus service is provided by a county operated bus once a week on request. This bus provides transportation to the Village of Catskill. A daily bus also runs between Albany and Newburgh, making stops along Route 385.

The Hudson River is used as a transportation artery for both commercial and pleasure boating. The Amos Post and Peckham Materials both receive shipments of materials via barges. Pleasure boating is on the upswing on the River and Athens' only marina, Hagar's Harbor, is beginning to feel the pressure. Waterborne travelers also stop at the Riverfront Park sometimes remaining overnight, and walk to stores in the Village for supplies. Larger, more secure docking is needed for these transient vessels.

As riverborne tourism increases, facilities for docking tour boats and other large vessels will be in demand. The Village is interested in developing such facilities at the Waterfront Park. In the future a ferry connecting the Amtrak station in Hudson, Athens and the Hudson/Athens Lighthouse may be possible as a tourist attraction. Before the construction of the Rip Van Winkle Bridge in Catskill ferries ran regularly between Hudson and Athens.

O. Recreation (see also item R, Public Access Areas.)

Recreation facilities include the swimming pool operated by the Athens Recreation Association, the Little League Field, the ball fields at the Athens Elementary School and Rainey Field, the Riverfront Park, the State boat launch and the private marina. A siltation problem in Murderers Creek which developed after the construction of the Sleepy Hollow Dam prevents the use of the State launch at low tide. At low tide Murderers Creek is navigable by canoe to the base of the dam, but at high tide access to the creek is difficult because of the low highway bridge. Recreational opportunities exist along the creek for bird watching.

The Greene County Senior Citizen Center and the meeting rooms and gymnasiums in the Community Center provide space for meetings, lectures, and other activities. The Community Center is used for gallery and studio space by the Greene County Arts and Crafts Guild and individual artists.

Results of the Community Survey show public support for developing the riverfront park, creating hiking trails along the White Elephant Railroad right-of-way, and extending Rainey Park to the River. Snowmobile owners use the railroad right-of-way in the winter, keeping the trail clear of trees.

A significant portion of the Village residents are elderly and/or low income and the densely developed hamlet provides few yards in which children can play. The open space and views from parks along the River and at the elementary school are important to the neighborhood because they provide recreational opportunities and a spaciousness to a thickly settled area. "Enjoying the view" is the most popular recreational activity, according to the Community Survey. Fishing off the bulkhead and docks is also enjoyed by many people.

There is a swimming pool in the western part of the Village core which is operated by a not-for-profit organization. Membership to the swimming pool is open to everyone, but rising operating costs put the cost of membership out of the reach of many families. Development of a safe beach on the Hudson River would provide an alternative swimming facility. The Community Survey identified a need for swimming facilities.

The Middle Ground Flats, a large island two miles in length and approximately one-quarter mile wide, is situated in the middle of the Hudson River directly east of the Village and is owned by New York State. Once considered for park development by the Office of Parks, Recreation and Historic Preservation, the island was recently cleared of some squatter cabins. It is readily accessible from the State boat launch in Athens. However, the State Office of General Services has no plans for its future. Swimming now occurs along the sandy shores of the Flats.

Fishing, boating and duck hunting opportunities exist all along the shores of the Hudson River, where appropriate.

P. Scenic Resources

The River can be seen from throughout the Village at the end of most of the streets. The Hudson-Athens Lighthouse, the Rip Van Winkle Bridge, Mount Merino and the lights of Hudson, wildlife in the marshes, and the myriad types of river traffic and trains on the eastern shore provide an active and varied scene.

The streetscape of the Village includes stately trees, slate sidewalks, interesting alleyways framed with gardens, and a range of architectural styles from the Eighteenth Century on. Entrance signs welcome visitors with planting maintained by the Garden Club. Athens can be seen from the Rip Van Winkle Bridge, the Amtrak trains, Mount Merino, Promenade Hill in Hudson, and from the Hudson River. These views are of a primarily rural landscape framing the Village which begins at the River's edge and clings to a gradual rise westward. Several homes of significant architectural value are prominent in these views. Front porches and steps, wrought iron fences and gates and brickwork bordering building foundations are other important visual elements. Treatment by the Department of Transportation of the NYS Route 385 right-of-way through the Historic District should reflect the existing streetscape elements.

In Brick Row the planting of street trees and resetting of the slate sidewalks would enhance the visual character of the neighborhood.

Several unattractive visual elements are in the Coastal Area including the two storage tank complexes and large overhead transmission lines crossing the River just south of the Village. An area at the foot of Union Street contains several abandoned dilapidated vessels and barges which should be removed. Screening of the storage tanks could be accomplished with planting along Route 385.

On Route 385 adjacent to the Sewage Treatment Plant lies a parcel of riverfront land owned by the Village. Currently used for materials storage and parking of large privately-owned trucks, the lot could be landscaped to screen the uses from the highway and the River.

The dredge spoil disposal area south of Black Rock supports some vegetation, but the planting of appropriate vegetation would improve the character of the area. Since this is private property, the cooperation of the landowner is necessary.

Any future disposal of spoils in the Coastal Areas should involve site restoration.

Q. Cultural and Historic Resources

The Village was founded in 1810, but the area has been occupied since pre-historic times. Black Rock was an Indian ceremonial area listed as an archeological site contained within the Historic District. The Looneburg Patent was granted in 1667 to Jan Van Loon whose land extended through most of the existing Coastal Area and beyond.

Robert Juet, crewman on Henry Hudson's Halfmoon, told in his diary of running around on the flats and trading with the Indians. He describes the beauty of the landscape.

The early settlers were farmers. The 1706 home of Jan Van Loon on Route 385 is the earliest house remaining in the Village.

In the Village area two communities developed. The southend was called Loonenburg; the northern, Esperanza. In 1800 Isaac Northrup purchased both and incorporated them as the Village of Athens in 1805. He laid out the Village in a grid plan in anticipation of its becoming the Capital of New York State. A master plan showing the proposed location of the capitol building on the top of the hill hangs in the Village Offices.

The Zion Lutheran Church is the oldest Lutheran parish in the United States. Its ministers used to service satellite churches throughout the Hudson Valley. Some property owners near the church still pay a rent to the glebe. The Church records, written in Dutch, were translated in the 1970s and contain records of the early families.

The Schoharie Turnpike was an important road into the interior. Some of its sections located outside the Coastal Area are listed on the National Register of Historic Places.

Athens was once a bustling harbor. The earliest ferries were Indian canoes. The first official Hudson-Athens ferry made its initial run in 1786; the last operated until 1947. Passenger steamboats stopped at the Village dock where Peckham Materials is now located. One steamboat, the Swallow, sank at what is now called Swallow Rock, losing 40 of her passengers.

In the late 1800s, Athens had a volume of shipping greater than the capital city of Albany. A contributing factor was the Saratoga and Hudson River Railroad, built by Cornelius Vanderbilt in 1867. It was dubbed the White Elephant Railroad nine years later when a spectacular fire burned the docks, depot and offices. Its railbed remains from Hagar's Harbor north to Four Mile Point, as does Brick Row, the housing built for the railroad workers.

Many industries thrived in this community including shipbuilding and ice houses, brick yards, ice tool manufacture, and pottery kilns. Athens pottery is part of the collection at the Cooperstown Museum. Shipbuilding continued through World War II.

Structures from all development periods remain, displaying a myriad of architectural styles. Some were built with ballast bricks from the ships that called at this port. A Multiple Resource listing on the National Register of Historic Places includes the Athens Lower Village Historic District, the Brick Row Historic District, and three structures in the upper Village; the Zion Lutheran Church, the Albertus VanLoon House and the DelVecchio House.

The Hudson-Athens Lighthouse is also listed on the National Register. Built in 1874, it is an aid to navigation operated automatically. The residence section has been leased from the U.S. Coast Guard by the Hudson-Athens Lighthouse Preservation Association, a bi-county group, to be restored and opened to the public as a museum. This is an opportunity for public-private cooperation to preserve and develop this resource.

The Athens Museum in the Community Center contains a valuable collection of pottery, ice tools, documents, photographs and other evidence of Athens history. Models of ferries and other Hudson River vessels are displayed in the bank on Route 385. The Community Center itself is a former high school adapted to the new uses of government offices, commercial space, gallery and meeting rooms.

Several structures in the Historic District have been lost to fire, the majority caused by wood stoves. Other structures are deteriorated and suffering from neglect. Programs that assist rehabilitation of private property are needed.

The community has lately attracted artists, photographers, writers and musicians from New York City who divide their time between Athens and the New York Metropolitan area. This trend bodes well for preservation of the historic structures, but the resulting real estate speculation and sharply rising housing prices may bring about gentrification and a need for affordable housing.

R. Public Access Areas

The following list summarizes existing public access areas, type of access and permitted uses:

Athens Riverfront Park: This area at the foot of Second Street on the Hudson River was the site of a large factory. The area has been partially landscaped and is now used for picnicking and fishing. The Riverfront Park provides views south to the Rip Van Winkle Bridge, north to the end of Middle Ground Flats, and east to the Flats, parts of Hudson, Mount Merino and the Hudson-Athens Lighthouse. Band concerts and the Athens Street Festival are held here in summer.

Isabella Rainey Park: Located just north of the State Boat Launch, the park contains one ball field for girls softball. Between the ball field and the River lie state-protected freshwater wetlands. The field was built by volunteers on the site of a former landfill.

Village Treatment Plant: Located on the Hudson River at the foot of Union Street, the Sewage Treatment Plant has benches, a lawn and a gravel beach. Landscaping could be expanded into the adjacent lot to the north which is owned by the Village and is used for materials storage and parking of large trucks.

South Franklin Street: A triangular shaped park located at the end of South Franklin Street has a beach and provides a view of the Hudson-Athens Lighthouse, Mount Merino and the Rip Van Winkle Bridge. The park is a memorial to veterans of the World Wars.

Fourth Street Informal Boat Launch Area: Located at the foot of Fourth Street, this is an unimproved area owned by the Village. Used by residents in the area, there is no parking for vehicles and boat trailers. The adjacent embankments are eroding and need to be stabilized.

In addition, several private waterfront properties have private ramps and docks, including the boat storage business on Water Street. Small boats can be carried into the water at the Sewage Treatment and at several street ends.

S. Commercial Fishing Facilities, Coastal Erosion Hazard Areas, Air Quality Maintenance Areas

There are no commercial fishing facilities, coastal erosion hazard areas or air quality maintenance areas in the Village; however, there is an erosion problem at the riverfront pads. Filled land is eroding from a deteriorating bulkhead, causing loss of park area and reduction of the water depth adjacent to the bulkhead. Correction of this problem may allow large vessels to dock near the bulkhead.

T. Major Waterfront Issues and Opportunities

This Local Waterfront Revitalization Program addresses many aspects of the coastal area and its use and preservation. Among the issues of greatest concern, as indicated during discussions of the Waterfront Advisory Committee, at public meetings and as expressed in response to the Waterfront Questionnaire (See Appendix A) are the following:

1. **Preservation of the Natural Waterfront Environment While Allowing Public Use and Enjoyment**

There are four publicly owned parcels within the village boundaries. Only three, the State Boat Launch, the Village Park, and the Sewage Treatment Plant are water-dependent uses. Although not ranked as high by residents, providing additional access can enable Athens to tap a valuable resource for recreation and economic development. In the Waterfront Questionnaire, Question #2, "Enjoying the View," was the most frequently checked recreational activity. Protection of these views should rank high on the list of priorities.

The resolution to these two related issues of preservation and development requires enforcement of appropriate standards for resource protection while also developing criteria for use of waterfront property in accord with its characteristics and limitation.

2. **Restoration of the Village Center**

The Village has a close physical and historical relationship to the water. The decline of the retail area in recent years has resulted in vacancies and some deterioration. A reorientation of business activity, restoration of historic properties and enhancement of facilities such as the Village's Waterfront Park can strengthen this area's role as the center of the community.









3. **Affordable Housing**

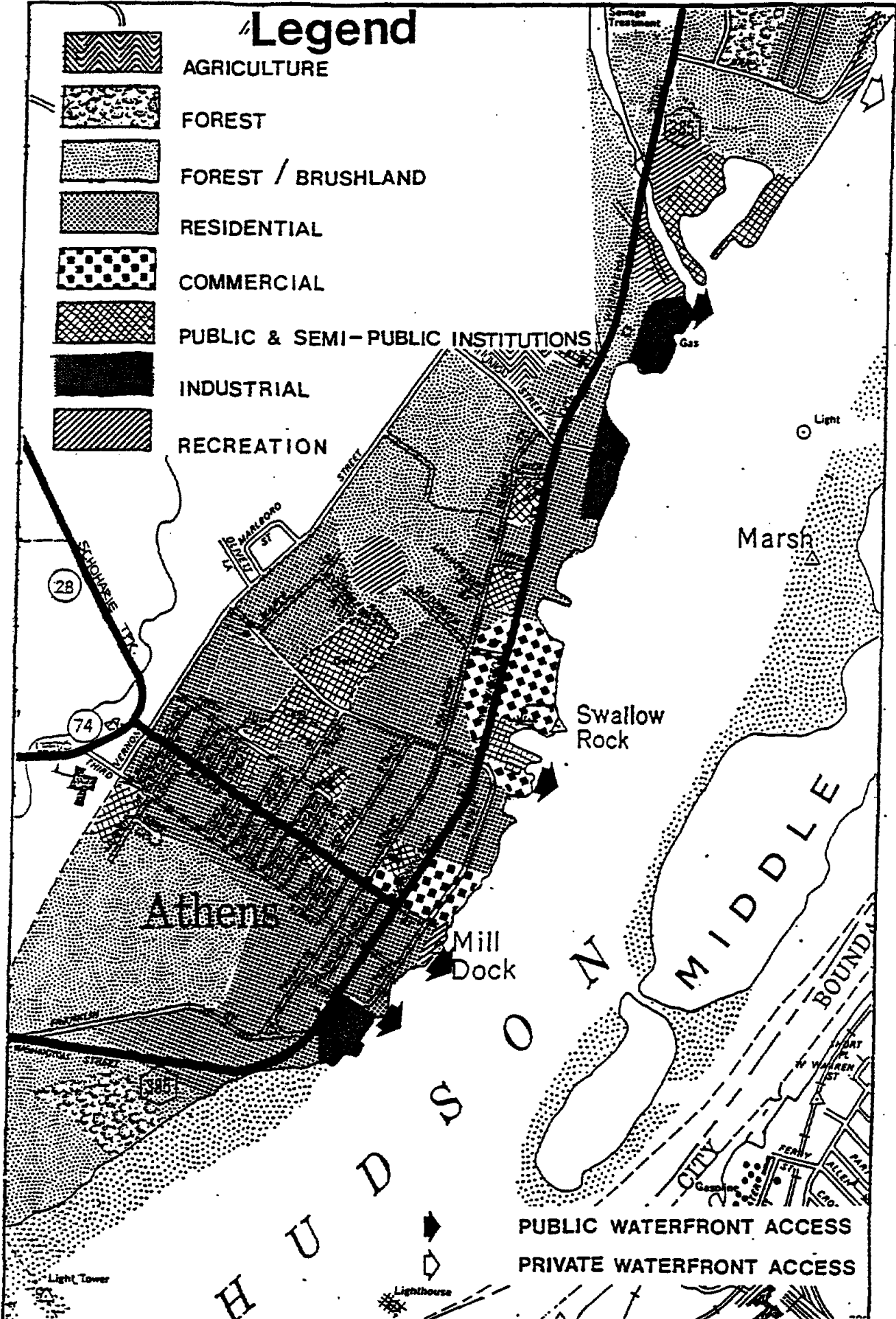
A third issue for the community is the spiraling housing costs caused by the purchasing of historic homes and land for second homes by metropolitan New York City residents and speculation by the real estate industry. The provision of affordable housing for the large population of elderly residents and for

children of the traditional extended families in the community has become an issue of concern in recent years.











The three issues discussed above are quite closely related and, as they are addressed, require a careful balancing or measures to preserve existing features and actions to promote new opportunities. In general, however, the greatest challenge for the Athens Waterfront is to maintain the balance of natural and urban waterfront features that are its prime asset. Retaining the community character while accommodating development will require a delicate balancing of interests by local government.

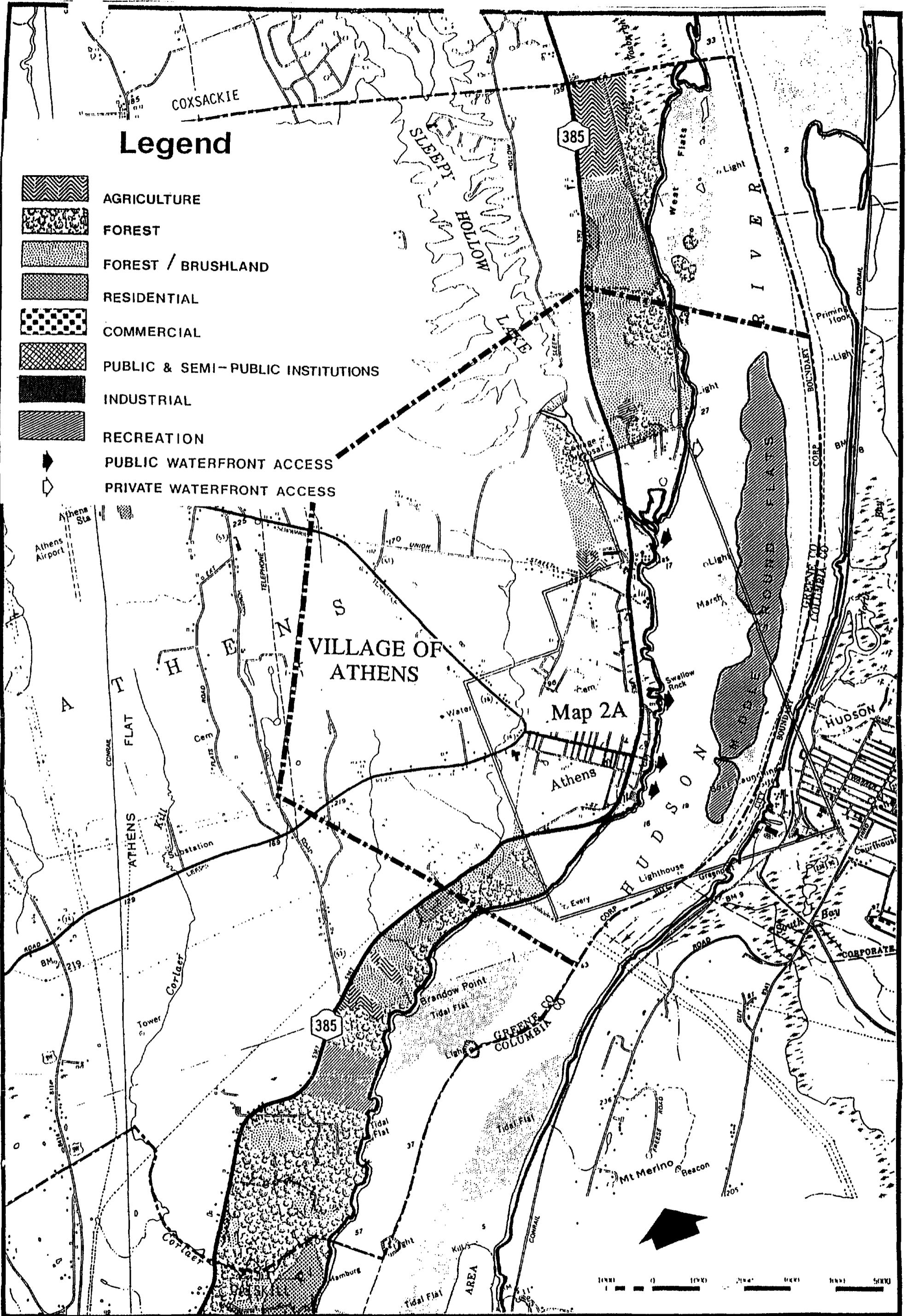
Legend

-  AGRICULTURE
-  FOREST
-  FOREST / BRUSHLAND
-  RESIDENTIAL
-  COMMERCIAL
-  PUBLIC & SEMI-PUBLIC INSTITUTIONS
-  INDUSTRIAL
-  RECREATION



Legend

-  AGRICULTURE
-  FOREST
-  FOREST / BRUSHLAND
-  RESIDENTIAL
-  COMMERCIAL
-  PUBLIC & SEMI-PUBLIC INSTITUTIONS
-  INDUSTRIAL
-  RECREATION
-  PUBLIC WATERFRONT ACCESS
-  PRIVATE WATERFRONT ACCESS



Local Waterfront Revitalization Program
VILLAGE OF ATHENS
 Prepared by Greene County Planning Department.

EXISTING LAND
 AND WATER USES

Map No.
2

Legend



FRESHWATER WETLANDS



HISTORIC DISTRICTS



PRIME AGRICULTURAL SOILS

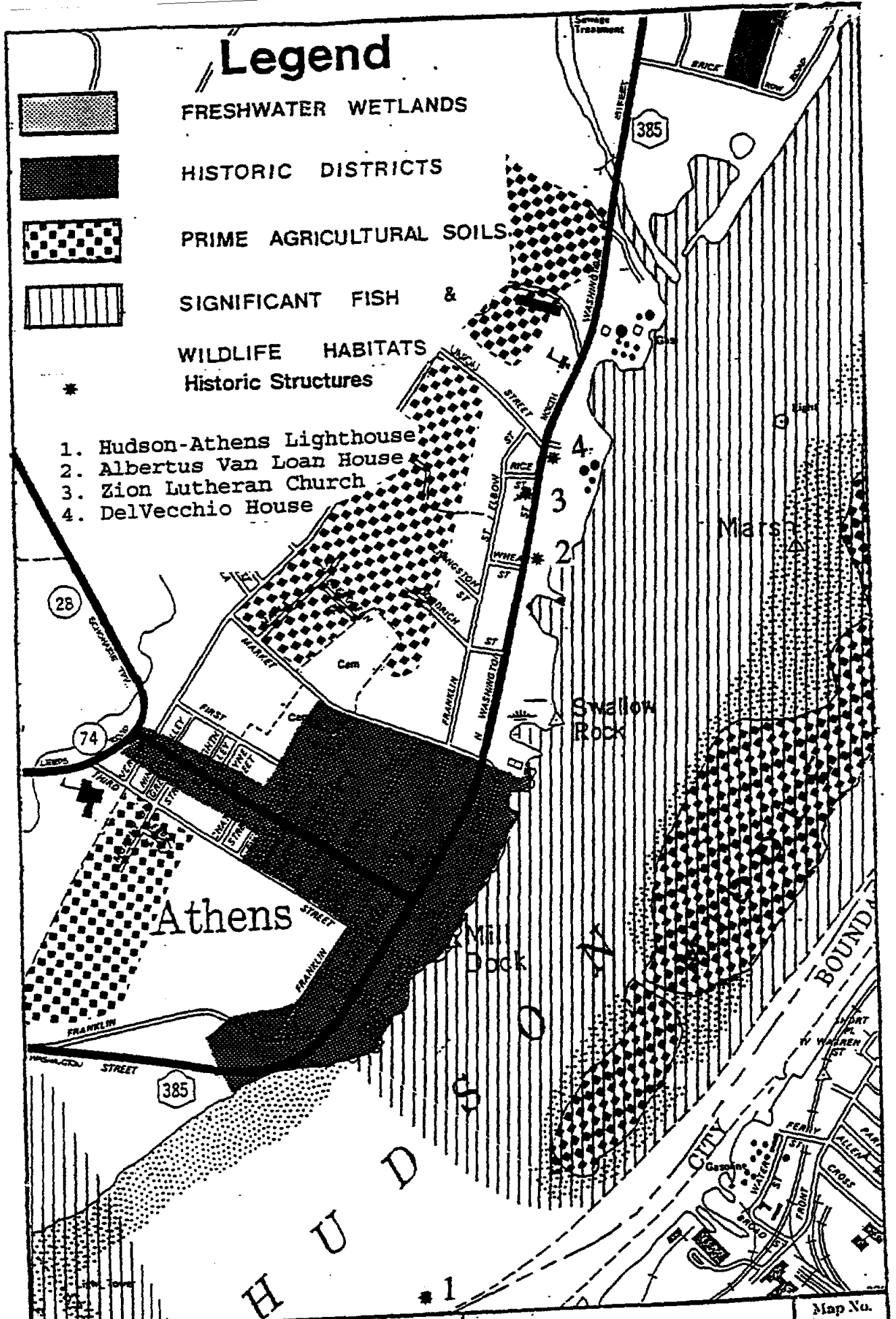


SIGNIFICANT FISH & WILDLIFE HABITATS



HISTORIC STRUCTURES

1. Hudson-Athens Lighthouse
2. Albertus Van Loan House
3. Zion Lutheran Church
4. DelVecchio House







Local Waterfront Revitalization Program
VILLAGE OF ATHENS
 Shuster Associates Planning Consultants

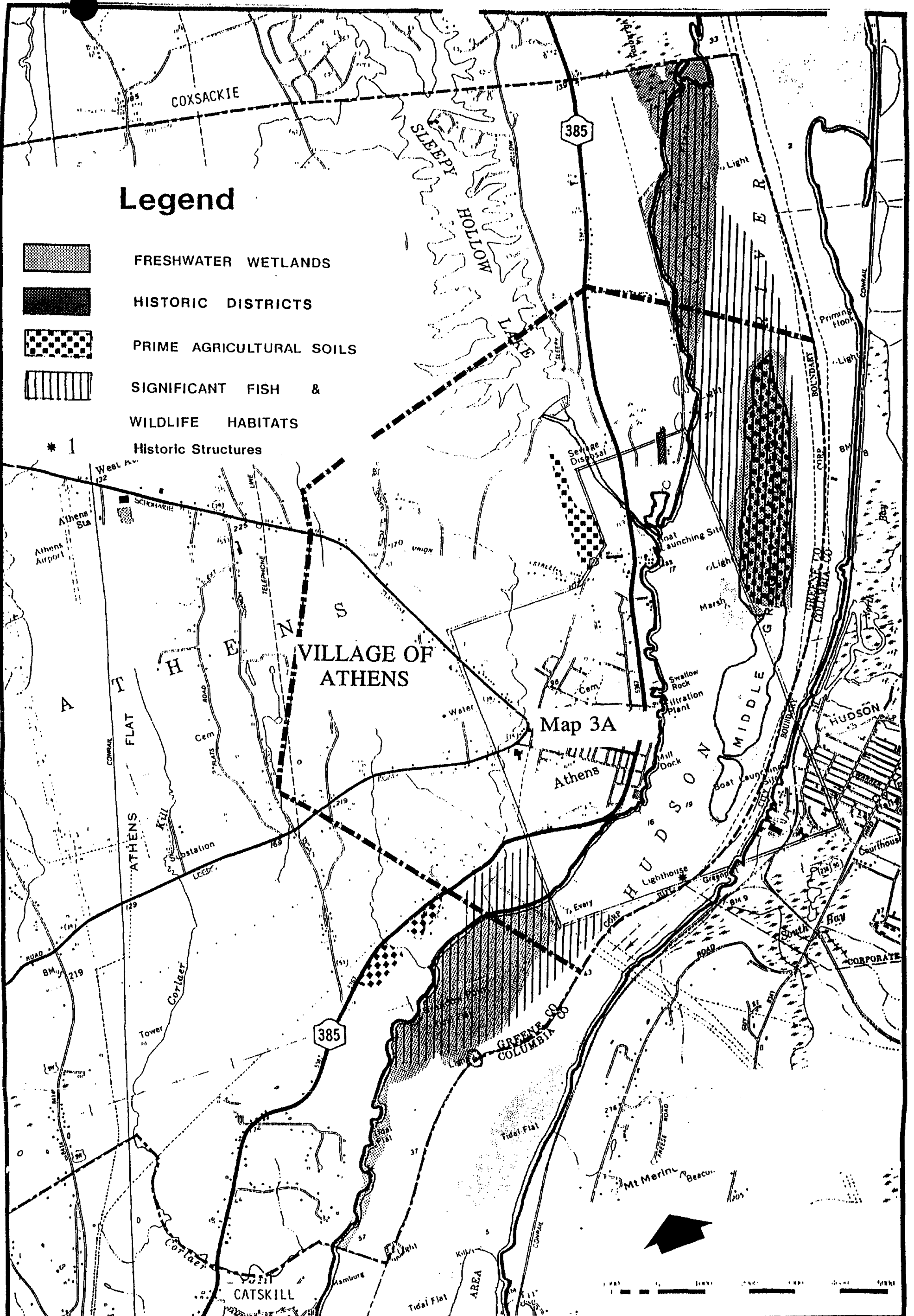
NATURAL AND CULTURAL
 FEATURES

Map No.

3A

Legend

-  FRESHWATER WETLANDS
-  HISTORIC DISTRICTS
-  PRIME AGRICULTURAL SOILS
-  SIGNIFICANT FISH & WILDLIFE HABITATS
- * 1 Historic Structures






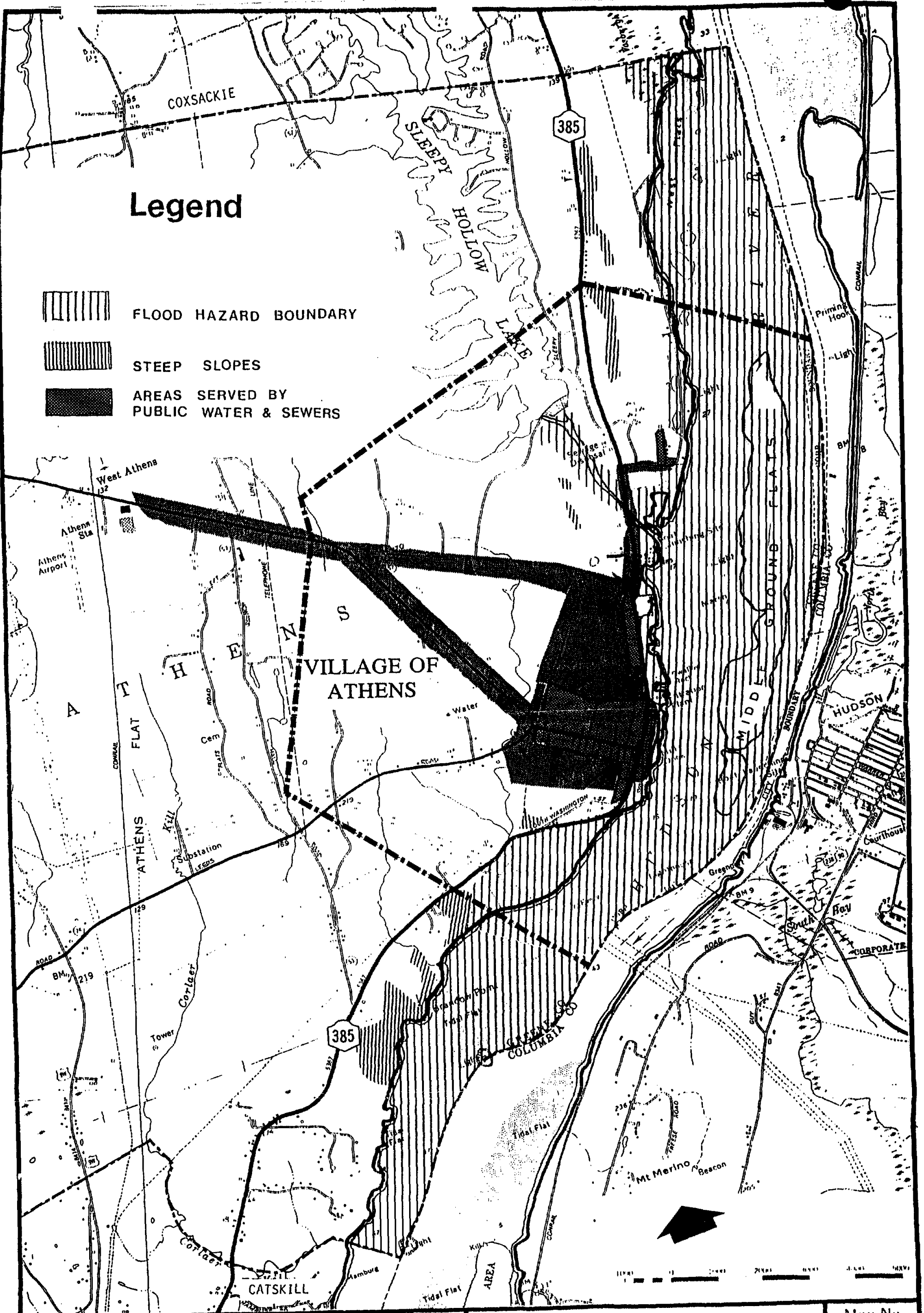
Local Waterfront Revitalization Program
VILLAGE OF ATHENS
 Prepared by Greene County Planning Department.

NATURAL AND CULTURAL
 FEATURES

Map No.
3

Legend

-  FLOOD HAZARD BOUNDARY
-  STEEP SLOPES
-  AREAS SERVED BY PUBLIC WATER & SEWERS






Local Waterfront Revitalization Program
VILLAGE OF ATHENS
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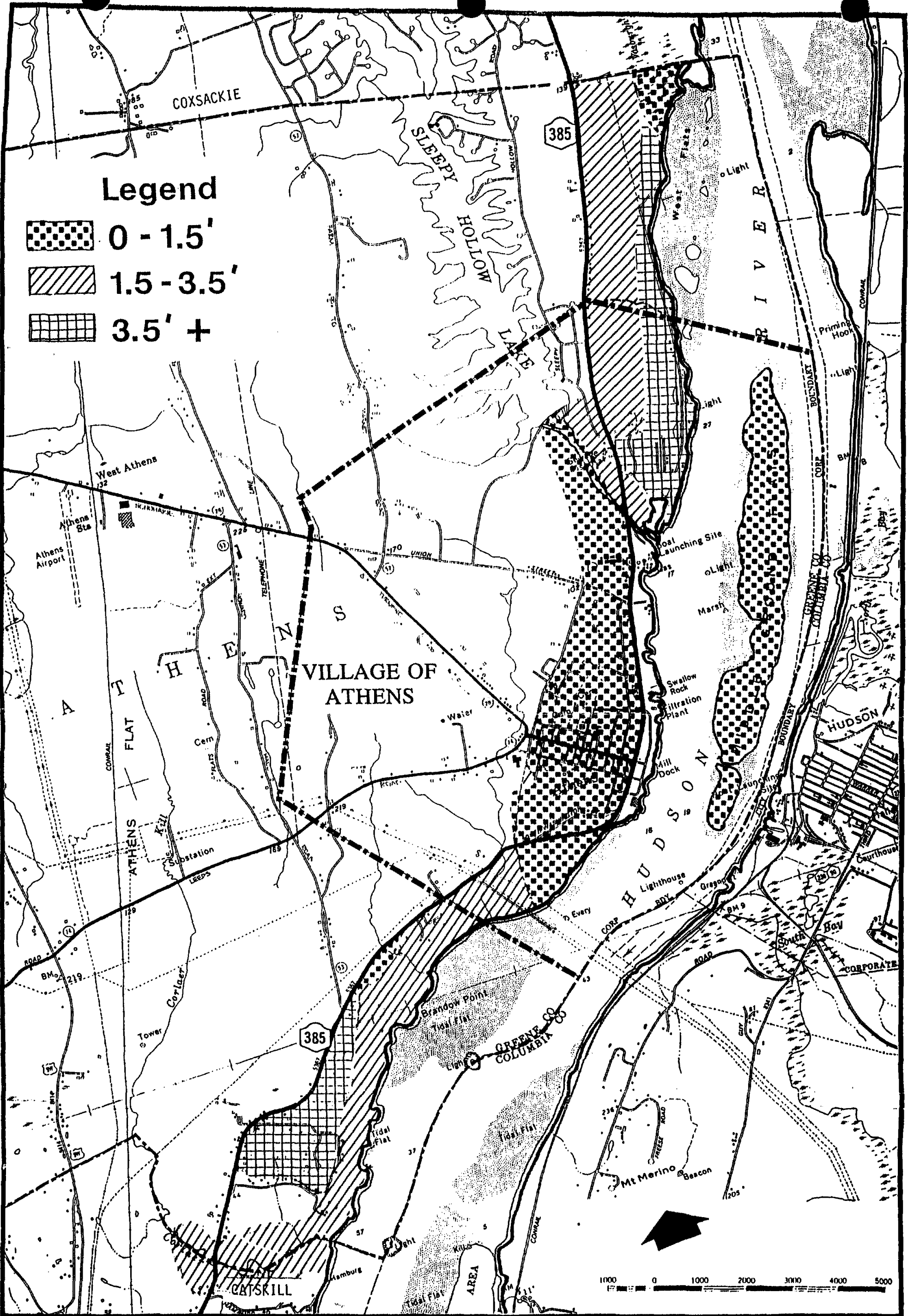
DEVELOPMENT
 CONSIDERATIONS

Map No.

4

Legend

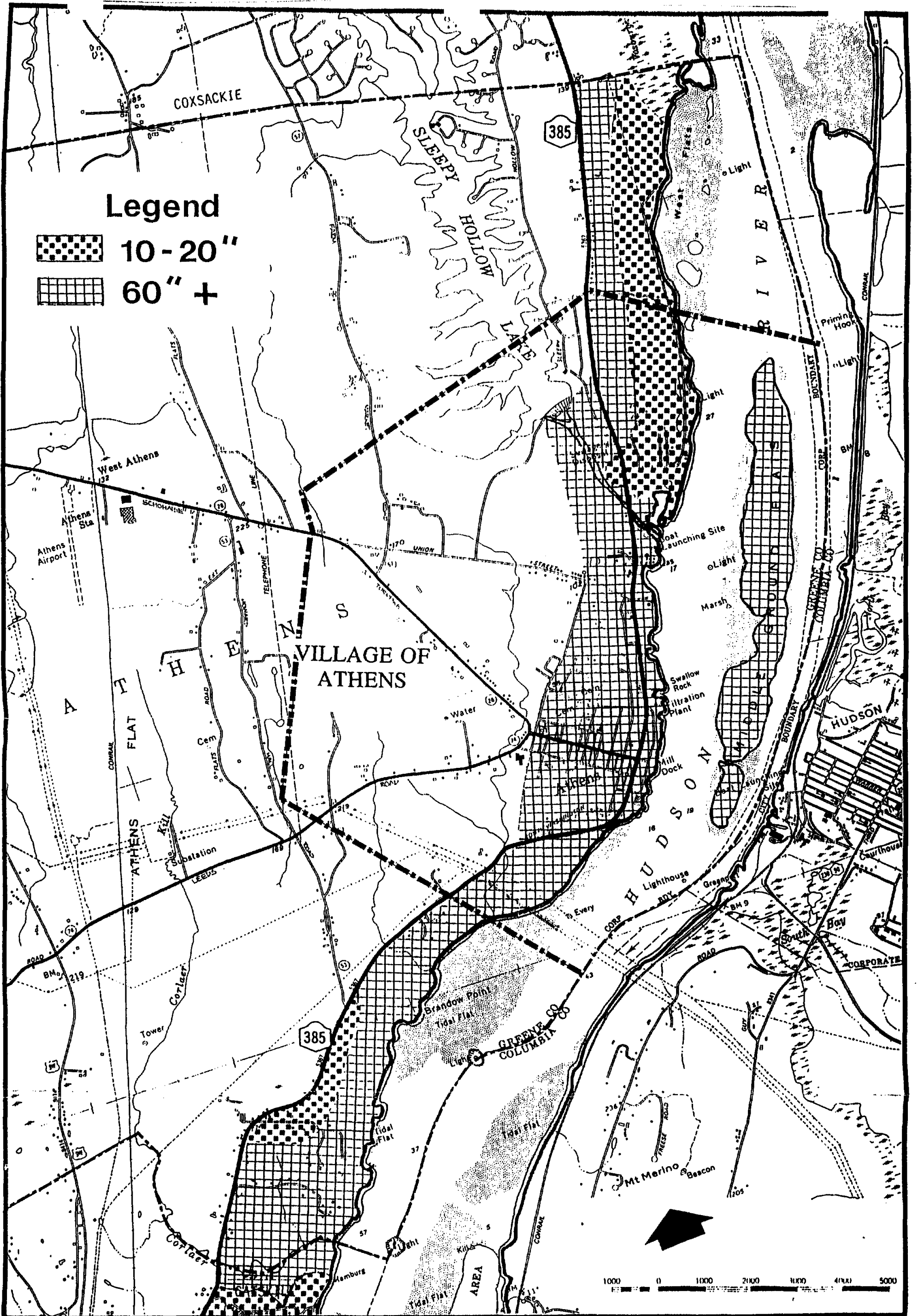
-  0 - 1.5'
-  1.5 - 3.5'
-  3.5' +





Local Waterfront Revitalization Program
VILLAGE OF ATHENS
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DEPTH TO SEASONAL
 HIGH WATER TABLE

Map No.
5



Legend

-  10 - 20"
-  60" +

Local Waterfront Revitalization Program
VILLAGE OF ATHENS
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DEPTH TO BEDROCK

Map No.
6

SECTION III

**LOCAL POLICIES AND
APPLICABLE STATE POLICIES**

III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

This section includes a listing of each State Coastal Policy and an indication of its applicability to the Local Waterfront Revitalization Program in the Village of Athens. Also included are additional local policies and an explanation of how both State and local policies relate to the local coastal area.

A. DEVELOPMENT POLICIES

POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.

Explanation of Policy

This policy applies exclusively to the Village waterfront and is complimented by Policy 2, which explains how priority will be given to water-dependent uses, and Policy 5, which relates the location of development to the availability of basic services.

The Village is the traditional location for intensive waterfront activity in Athens, although such activity has declined in recent years. A mixture of uses or activities are to be encouraged in the area between Murderer's Creek on the north and the point where Rt. 385 turns west, at the southern end of the Village, in keeping with the following general criteria (see also Map 4):

1. Priority should be given to uses which are enhanced or dependent upon a location adjacent to the water (see Policy 2);
2. The action should enhance existing and anticipated uses;
3. The action should serve as a catalyst to private investment in the area;
4. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration;
5. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
6. The action should have the potential to improve the existing economic base of the community;
7. The action should not impair upland views of the water by obstructing views or introducing incompatible elements of scale, color or materials, and should not detract from the views as seen from the water;
8. The action should improve the potential for multiple uses of the site and the general area.

Actions which would be consistent with this policy include the following:

1. Dredging and repair of the bulkheads at the abandoned ferry slip at the end of Second Street to increase docking space would complement restoration of the waterfront park and encourage water-related use of underutilized sites along the water's edge to the north as well as generate boater trade for local business.
2. Projects to improve the deteriorated condition of waterfront sites including removal of the abandoned barges, restoration of bulkheads and rehabilitation of vacant structures.

3. Measures to prevent erosion and/or siltation which reduces water depths adjacent to the Village park or other sites with deep water access, thereby impairing their viability.
4. Measures to encourage tourism based on the historic and water-related recreation resources of the coastal area. Such actions include improvements to docking facilities for tour boats and/or a ferry from the Hudson train station, a system of signs explaining the history and significance of sites in the historic district, and preparation of maps illustrating key sites and suggested walking tours.
5. Rehabilitation and restoration of structures in the historic district in accord with the guidelines in Policy 23 and the development of funding programs to assist such efforts.

POLICY 2 FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

Explanation of Policy

Most of the land along the village waterfront is developed. Available sites that have suitable access, topography, services and water depth to accommodate water-dependent uses are scarce. Therefore, this policy requires that water-dependent uses be given preference and, where possible, assistance in securing waterfront sites and that every effort be made to retain such existing uses. Those uses which are considered water-dependent and subject to these policies include the following:

1. Certain uses which utilize the resources of the coastal waters, such as fishing;
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
3. Aids to navigation;
4. Flood and erosion protection structures (for example: breakwaters, bulkheads);
5. Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities, etc.);
6. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
7. Support facilities which are necessary for the successful functioning of permitted water-dependent uses.

In addition, uses which are enhanced by, though not dependent on, a waterfront location should be encouraged to locate along the shore. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. However, water-enhanced uses should be considered carefully if they may preclude water-dependent uses.

Sites for water-dependent uses should satisfy certain criteria, based on the type of use being considered. The following guidelines should be considered when designating such sites:

1. **Special Suitability:** Sites which are particularly suited to a particular type of use should be reserved for such use if possible. For instance, few sites have the appropriate land and water characteristics for marinas or boat launches. Those sites identified should be zoned and/or acquired for such uses.

2. In-place facilities and services: Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors: (see also Policies 1 and 5)
 - a) The availability of public sewers, public water lines and adequate power supply;
 - b) Access to the area for trucks and rail, if heavy industry is to be accommodated; and
 - c) Access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels: If commercial shipping, commercial fishing, or recreational boating are planned, consideration should be given to setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels can be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources such as wetlands and scenic areas.
5. Use of Underutilized Sites and Expansion of Existing Uses: Sites which are presently underutilized and/or which will permit expansion of existing water-dependent uses will be given preference when designating sites for water-dependent use.

Sites appropriate for new water-dependent uses include the site which now houses Teicher Metals, all the land from the ferry slip north to the sewage treatment plant on the east side of Water Street and the land north of the plant, along the water's edge to a point opposite Goodrich Street. Development of these sites should conform to the criteria set forth in Policy 1, in general, and in particular should retain views to the river from Water Street; should not obstruct views from the upper stories of buildings on Washington Street; should not generate noise, light, vibration or similar disturbances which would adversely impact nearby residences; and should not adversely impact the Vosburgh Swamp and Middle Ground Flats Significant Habitat.

POLICY 2A PRESERVE AND RETAIN EXISTING WATER-DEPENDENT USES IN THE COASTAL AREA.

Explanation of Policy

Most existing water-dependent uses in Athens are recreational. The retention of both public and private recreation facilities is consistent with Policies 21 and 22.

POLICY 3 THE STATE COASTAL POLICY REGARDING FURTHER DEVELOPING THE STATE'S MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF ATHENS.

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

Explanation of Policy

One of Athens most significant assets is its combination of waterfront activities and related commercial and residential uses in an easily accessible, compact, historic setting with few incompatible distractions. Although less active than in past decades, the basic elements of the historic waterfront are intact and efforts to preserve and re-establish traditional waterfront functions are to be encouraged. Such efforts can contribute to the economic growth of the Village and enhance the community's role as a center for commercial recreation and tourism as well as a place to live. See also Policy 25.

In order to promote activities such as recreational and commercial fishing, marinas, boat building, tour boats, preservation of historic structures, etc., the following guidelines will be followed:

1. Priority shall be given to water-dependent or water-enhanced uses which are compatible with the existing pattern of uses and will enhance rather than detract from existing uses (see also Policy 2).
2. An action shall not be out of keeping with existing development in terms of scale, intensity of use or architectural character. Potential sources of noise, traffic jams, or other nuisance should be carefully evaluated in terms of adjacent residential areas.
3. Actions shall not detract from views of the water or from views of the shore as seen from the water by obstructing existing view corridors or significant landmarks or by introducing elements which are discordant in terms of scale, color or materials.
4. Priority shall be given to actions which enhance the economic base by furthering use and enjoyment of recreational facilities. Such actions include:
 - a. Zoning to facilitate continued use of and necessary expansion of commercial recreational facilities.
 - b. Dredging to permit continued use and enjoyment of the river for boating.
 - c. Elimination of pollution sources which detract from the waterfront development.
 - d. Removal of obstacles to navigation such as abandoned vessels.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATE ITS LOCATION IN OTHER COASTAL AREAS.

Explanation of Policy

The Village of Athens has a public water supply and sewage disposal facilities. Central water supply and sewage disposal facilities are also available at Sleepy Hollow Lake. Vehicular access to the entire coastal area is provided by Route 385.

The Village is the appropriate location for most urban, water related development due to its service system as well as for the reasons cited under Policies 1 and 4, although deficiencies in the water distribution system may limit certain kinds of development if not remedied. A study is underway to explore methods of repairing the transmission line which limits the capacity of the water system. The following objectives will be achieved by this policy:

1. To strengthen the existing Village center and foster an orderly growth pattern.
2. To increase the efficiency of existing services and moderate the need for new services in outlying areas.

Certain capital improvements are needed in the public water and sewer facilities servicing the waterfront area, as previously described in the inventory and analysis. Those local, State and Federal agencies charged with allocating funds for investment in such facilities should give high priority to these needs, so that full advantage may be taken of the rich array of other infrastructure components in promoting waterfront revitalization.

Although the Sleepy Hollow systems are private they could substantially alter the development pattern in the coastal area by permitting higher density development where it would not otherwise exist and generating demand for and the ability to provide service to other supporting uses. In order to support revitalization of the Village center and foster appropriate development patterns the following guidelines shall apply to the area north of Murderer's Creek:

1. Residential development shall be confined to single family homes at a density of no more than one home per acre. Where such development can be connected to the central water supply and sewage disposal systems, clustering of units shall be encouraged to maintain larger open spaces intact. Open spaces shall be delineated to preserve natural features, especially the Hudson River shoreline and scenic views from Route 385.
2. Non-residential uses shall be limited to recreation facilities, particularly those oriented toward the water, and facilities serving the convenience needs of residential concentrations. Such latter uses shall be concentrated so as to avoid "strip" development and to retain the open character of the plateau.

It is recognized that certain forms of development are not compatible in an urban setting or do not require urban services and infrastructure or have specific site requirements that cannot be satisfied in such a location. Therefore, this policy shall not apply to the following:

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

**POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE
THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE
LOCATIONS.**

Explanation of Policy

When administering existing regulations and prior to proposing new regulations, every effort should be made to determine the feasibility of coordinating administrative procedures and incorporating new regulations in existing legislation, if this can reduce the burden on a particular type of development without jeopardizing the integrity of the regulations' objectives.

B. FISH AND WILDLIFE POLICIES

**POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS
IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE
PROTECTED, PRESERVED, AND WHERE PRACTICABLE,
RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS
HABITATS.**

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

1. Are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
2. Support populations of rare and endangered species;
3. Are found at a very low frequency within a coastal region;
4. Support fish and wildlife populations having significant commercial and/or recreational value; and
5. Would be difficult or impossible to replace.

A **habitat impairment test** must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

1. destroy the habitat; or,
2. significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include but are not limited to reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

**POLICY 7A THE VOSBURGH SWAMP AND MIDDLE GROUND FLATS
SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT SHALL
BE PROTECTED, PRESERVED AND, WHERE PRACTICAL,
RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.**

Explanation of Policy

The Vosburgh Swamp and Middle Ground Flats Habitat has been identified on the coastal area map. The fish and wildlife values of this habitat are described in Section II.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would degrade water quality, increase turbidity or temperature, or alter water depths in the Vosburgh Swamp and Middle Ground Flats habitat would affect fish and wildlife species using the area. Disruption of the freshwater or tidal flows in these areas could have major consequences to the littoral zones, wetlands, and mudflats which contribute significantly to the value of this habitat.

Elimination of productive wetland and littoral areas, through dredging, filling or bulkheading would have significant impacts on the fish and wildlife resources of Vosburgh Swamp and Middle Ground Flats. The period of April 15 through June is particular sensitive for fish spawning and use of the habitat as a nursery ground. Dredging and other activities that may directly affect propagation of fish will generally be restricted during this period. Spills of oil or other hazardous substances are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species (and wintering waterfowl); shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of fish eggs and larval stages.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Explanation of Policy

The regulation of hazardous wastes is assumed by state and federal agencies. Other pollutants from point or non-point sources also cause substantial damage to fish and wildlife resources and are controlled by both state and local law. County and local government must effectively monitor pollution as well as enforce local regulations and report violations of state or federal law.

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILD-LIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study. The resources for such recreation in the Athens coastal area are extensive and varied. See Policies 19 and 20. Increased recreational use of these resources should be made in a manner which ensures the protection of fish and wildlife resources and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, cost and available technology.

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

1. Consideration should be given by Federal, State and Village agencies as to whether an action will impede existing or future utilization of the Village's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7 and 7A) and/or conferring with a trained fish and wildlife biologist.

POLICY 10 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF COMMERCIAL FISHING IS NOT APPLICABLE TO THE VILLAGE OF ATHENS.**

C. FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 **THE STATE COASTAL POLICY REGARDING THE SITING OF BUILDINGS AND OTHER STRUCTURES TO MINIMIZE DAMAGE CAUSED BY FLOODING AND EROSION IS NOT APPLICABLE TO THE VILLAGE OF ATHENS.**

POLICY 12 **THE STATE COASTAL POLICY REGARDING PROTECTION OF NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE IN THE VILLAGE OF ATHENS.**

POLICY 13 **THE STATE COASTAL POLICY REGARDING EROSION PROTECTION STRUCTURES IS NOT APPLICABLE IN THE VILLAGE OF ATHENS.**

POLICY 13A **REPAIR AND RESTORATION OF EXISTING BULKHEADS SHALL BE UNDERTAKEN IN A MANNER THAT WILL ADEQUATELY PROTECT ADJACENT PROPERTY FOR APPROPRIATE USE.**

Explanation of Policy

Erosion protection structures have been used to protect "made" land along the Hudson River in the Village. However, many such structures have deteriorated due to lack of maintenance. Bulkheads which protect public lands, such as the 2nd Street Park or the state boat launch, or other water-dependent uses, shall be given priority for bulkhead repair. Repairs should be designed to compliment uses such as boat launches, docking facilities etc., where consistent with other policies herein (see Policies 7, 7A, 9, 19 and 20). Private efforts at shoreline stabilization are also appropriate, if the applicable policies are adhered to.

POLICY 14 **ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.**

Explanation of Policy

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

New development on the steep slopes above the Hudson River could increase erosion unless proper erosion protection measures are taken during construction and incorporated into final design. Development plans in these areas, although primarily low density residential, will be required to include erosion protection plans and to adhere to the best management policies set forth in Policy 37.

POLICY 15 **MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

Explanation of Policy

There is little natural beach material in the coastal area which is supplied to the adjacent land via natural coastal processes. Mining, excavation and dredging should be done so that both the natural and manmade shoreline are not undermined and so that natural water movement is not changed in a manner that will increase erosion potential. See also Policy 35.

POLICY 16 **PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.**

Explanation of Policy

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

POLICY 17 **WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (1) THE SET BACK OF BUILDINGS AND STRUCTURES; (2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (3) THE RESHAPING OF BLUFFS; AND (4) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail. This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development and to the hazard. If non-structural measures are

determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

Application of the Flood Damage Prevention regulations, which require flood proofing of buildings or elevating them above the base flood level, adherence to Best Management Practices (see Policy 37) and review of alternatives in accord with SEQR procedures will be effective in many instances as preventive measures. It must be recognized, however, that in certain instances where damage has already occurred and must be corrected or where non-structural measures are not feasible, structural solutions will be required.

D. GENERAL POLICIES

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

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

POLICY 18A HOUSING AND JOB OPPORTUNITIES SHALL BE PRESERVED FOR ALL INCOME GROUPS IN THE COMMUNITY AND THE IMPACT OF COASTAL POLICIES AND SPECIFIC ACTIONS IN THE COASTAL AREA ON SUCH OPPORTUNITIES SHALL BE CAREFULLY CONSIDERED.

Explanation of Policy

A recent influx of second home buyers has caused a rapid increase in housing cost and may also induce a change in the traditional community character. As homes are occupied only on a seasonal or week-end basis there is less interchange among residents. As more property owners derive their income outside the community, there is a change in demand for services and job skills. As housing costs increase, the options available to local residents, especially the young and the elderly, are diminished.

Such changes, if not mitigated, will transform the community from a diverse social and economic mix to one which is geared only to specific socio-economic groups. The policy of the LWRP is to maintain the existing community socio-economic mix to the maximum extent practicable. In particular, zoning amendments and other legislation will be reviewed to determine if they contribute to such unwanted changes as will specific physical projects.

E. PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH

REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

Explanation of Policy

There are at least four publicly owned sites in the Athens coastal area where access to the water is possible (see Section II.R). Only two are at present intended for and adequately developed to provide access for recreational use -- the Village Park at 2nd Street and the state boat launch. The emphasis of this policy is upon maintenance and appropriate improvement of existing access points -- rather than creation of new ones -- to serve various recreation needs. New access sites will be considered if it can be demonstrated that they will serve unanticipated demands or create recreation opportunities not provided at existing sites. Access via easements, such as at the utility right-of-way south of the Village or the "White Elephant" railroad bed in the northern portion of the Village (see Policy 21); or dedication of less than fee simple rights is preferred over public acquisition. Such easements can provide visual access by trails or overlooks even when direct access is not possible.

Access from the water to land-based recreation areas and other uses is equally important to the creation of a fully accessible waterfront. Of particular importance is the improvement of docking at the Village's waterfront park by such actions as dredging, bulkhead stabilization to prevent further erosion, repair and restoration of the old ferry slip and installation of facilities for public docking of private vessels and tour boats.

Implementation of this policy requires careful balancing of several factors. The demand for specific recreation facilities; the adequacy and type of access to facilities; the capacity of the resource; and the protection of natural and historic resources. The following guidelines shall apply:

1. Existing access shall not be impaired by reducing the number of available parking spaces; imposing barriers such as roads, utility rights-of-way, or other public facilities; sale or lease of public lands; or construction of private facilities which hinder access.
2. Proposed projects to increase public access to existing or future public water-related recreation resources and facilities shall be analyzed and found consistent with this policy only if:
 - a) The level of access to be provided is in accord with estimated public use.
 - b) The level of access to be provided does not cause a degree of use which would exceed the physical capability of the resource or facility.
 - c) The level of use and nature of the access does not adversely affect adjacent land uses or the natural environment.
3. The potential for future increases in public access shall not be limited by construction of public facilities; sale, lease or transfer of lands that could provide such access; or construction of private facilities.
4. The State will not undertake or fund any projects which increase access to a water-related resource or facility that is not open to all members of the public.

POLICY 19A ACCESS TO MIDDLE GROUND FLATS SHALL BE MAINTAINED.

Explanation of Policy

Middle Ground Flats is owned by the State of New York. No specific plans have developed for its use. However, the right of the public to gain access to this unique site should be clearly recognized, within appropriate limitations for use and management, and fostered by improvements to boat launch and docking facilities.

POLICY 20 ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

Explanation of Policy

In addition to active recreation facilities, access to the publicly-owned land of the coast should be provided, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the waterfront or to a vantage point from which to view the water. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting. Methods of providing access include the development of waterfront trails, the improvement of vehicular access to the waterfront and the promotion of mixed and multi-use development. Public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

Existing access shall be maintained at (1) the Fourth Street boat launch, (2) the Village Waterfront Park, (3) the sewage treatment plant, (4) the ends of South Street and Union Street and, (5) the state boat launch site.

However, sale of easements on underwater lands to adjacent onshore property owners may be granted if public use of the foreshore is not substantially limited. Also, public use of underwater lands or the foreshore shall only be discouraged if such use would be inappropriate for reasons of safety or protection of natural resources. See also the guidelines in Policy 22.

F. RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED, AND SHALL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

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

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis. Those specific projects described in Section IV-B 1,3,4 and 5 are all consistent with this policy and will be encouraged.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policy

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

Uses which are appropriate in the Athens coastal area and which can provide opportunities for water-related recreation as a multiple use include: parks, existing utility transmission lines (Niagara Mohawk R.O.W.), water treatment facilities (Village sewer plant), schools, nature preserves, large scale residential and mixed use projects, and maritime commercial uses.

Whenever a proposed development would be consistent with coastal policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore.

G. HISTORIC AND SCENIC RESOURCES POLICIES

POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

Explanation of Policy

Among the most valuable man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as just passive mandate but also suggests effective efforts, when appropriate, to restore or revitalize resources through adaptive reuse. While the policy

is concerned with the preservation of all such resources within the coastal boundary, the preservation of historic and cultural resources which have a coastal relationship will be actively promoted.

The Athens coastal area includes the Athens Lower Village Historic District; the Brick Row Historic District; and four individual structures, namely the Hudson-Athens Lighthouse, the Zion Lutheran Church, the Albertus Van Loon House, and the Del Vecchio House. All are listed on the National Register of Historic Places and have a distinct relationship to the maritime history of the community.

In addition, Athens contains archeological resources of Statewide importance that include pre-historic settlements, industry, and religious remains. All practical means to protect the historic and archeological resources shall be taken, including consultation with the State Historic Preservation Officer and adoption of such techniques, measures and controls necessary to prevent a significant adverse change to the resource. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topo-graphical features, earthworks, paving and signs located on the designated resource property.
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions.

This policy shall not be construed to prevent normal maintenance, actions necessary to remove a threat to the public welfare, health or safety, or rehabilitation or restoration in accord with standards and design which do not adversely impact the significant features of the structure, district or site.

Actions which will advance this policy include the following:

1. A program to restore the facades of structures in the district, particularly in the 2nd Street business area.
2. Efforts to occupy vacant structures, particularly upper stories of mixed-use structures.
3. Sidewalk improvements, such as resetting blue stone pavers and tree planting.

4. A program to design and install descriptive plaques on important structures and development of maps and illustrative material to aid tourists, students and other interested parties to tour the historic district and identify significant features.

POLICY 24 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE VILLAGE OF ATHENS.

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

Explanation of Policy

When considering a proposed action care shall be taken to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are the same as those cited under the previous policy, i.e., modification of natural landforms, removal of vegetation, etc.

In the responses to the Waterfront Questionnaire, "Enjoying the View" was the most popular recreation activity. Views to the Hudson River and the eastern shore exist at many locations, including:

1. The Village riverfront park;
2. The site of the Village sewage treatment plant;
3. The site of the State boat launch;
4. Street ends and corridors of Second, Third, Market, and Union Streets, and South Washington Street looking south;
5. Points along NYS Route 385 south in the southern portions of the Village including the view of the Hudson-Athens Lighthouse at the southern entrance of the Village; and
6. View from NYS Route 385 south to Mount Merino and the Hudson River at the northern Village boundary.

(Refer to Map 1 for locations of vistas).

The following siting and design guidelines will be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly and consider both the scenic resource and the community's development objectives and priorities.

1. Siting structures and other development such as highways, power lines and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development.
3. Incorporating existing historic structures into the overall development scheme.
4. Removing deteriorated and/or degrading elements.

5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly or diseased vegetation or creates views of coastal waters.
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements.
8. Using appropriate scale, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

Actions to maintain and improve visual access to the water or to screen or otherwise mitigate the adverse impact of certain existing elements will be pursued. Selective maintenance and/or removal of vegetation at key vantage points along Route 385 can enhance scenic vistas of the River and actions to screen or otherwise reduce the visual impact of the oil storage facilities in the Village will be considered.

The entire length of Route 385 in Athens is an experience of beauty and serenity. The long views of the river from the higher elevations, entering from either the north or south, give way to closer views as one descends into the historic village. This entire scenic experience should be preserved by designating Route 385 as a scenic road and by creating opportunities for selected viewing locations. Other specific elements to be preserved or enhanced are views from the waterfront street ends and the South Franklin Street Park. Also, the visual composition of the Village -- tree-lined streets, traditional architecture, defined street frontages -- should be retained and enhanced and proposed actions reviewed to prevent introduction of discordant elements. The Scenic Roads Handbook produced by the Heritage Task Force for the Hudson River Valley, Inc. will be used as a guide in addressing scenic quality along Route 385.

H. AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF IMPORTANT AGRICULTURAL LANDS IS NOT APPLICABLE TO THE VILLAGE OF ATHENS.

I. ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

Explanation of Policy

Demand for energy in New York will increase, although at a rate lower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels including coal in greater proportion.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated

pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village, the Department of State will present testimony for the record during relevant certification proceedings under Article VII of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon fish and wildlife and their habitats, flood levels and damage, and rates of shoreline erosion damage, and upon natural protective features. This policy shall apply adjacent to the shoreline, where no ice management practices presently are undertaken as well as to the Hudson River channel, where actions to maintain navigation are followed. Methods to mitigate potential adverse impacts should be identified and utilized whenever feasible.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES IS NOT APPLICABLE TO THE VILLAGE OF ATHENS.

J. WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through the regional treatment system before reaching the State's waterways. State and federal laws adequately govern pollutant discharge into coastal waters. However, constant inspection and adequate monitoring of coastal waterways are necessary to ensure that all regulations are enforced. Municipal government will take all necessary steps, both at the local level and in cooperation with higher levels of government, to apply existing monitoring and enforcement machinery and, where appropriate, to strengthen it. Local citizen participation is to be encouraged both for educational and enforcement purposes.

POLICY 31 STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVER-

BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment.

The classification of the Hudson as Class A, suitable for all uses, is compatible with the present use and future objectives for the river. Any action taken in the coastal area which would lead to revision of such classification will be considered inconsistent with these policies. The classification of Murderer's Creek should be upgraded from Class C to Class B below the dam because that portion of the creek is part of the Vosburgh Swamp and Middle Ground Flats Significant Habitat. If the Sleepy Hollow Lake sewage treatment plant becomes operational, consideration should be given to placing the discharge pipe in the Hudson River rather than in Murderer's Creek. Dispersal of pollutants will be greater in the river than in the creek, especially since the Sleepy Hollow Dam has reduced high flow periods and resultant periodic flushing of the creek.

POLICY 32 ENCOURAGE THE USE OF ALTERNATIVE OF INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

Explanation of Policy

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

The urbanized portion of the Village plus the Brick Row enclave are served by the public sewage system. The private system at Sleepy Hollow Lake serves the recreational development there. As indicated in Policy 5, development other than low density residential uses will be required to be connected to either of these two systems. However, where sufficient localized situations warrant, alternative systems will be explored.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. In some instances, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged in such cases. The standards set forth in Policy 14 will apply to all construction in the coastal area to control stormwater runoff and erosion.

POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT

SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

POLICY 34A **NO VESSEL SHALL DISCHARGE WASTE WATER UNSUITABLE FOR HUMAN CONSUMPTION INTO THE COASTAL WATERS AND/OR TAKE ON FRESH WATER FROM THE RIVER TO BE TRANSPORTED ELSEWHERE FOR SALE OR USE WITHOUT OBTAINING ALL REQUIRED PERMITS.**

Explanation of Policies

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated by State Law. Priority should be given to the enforcement of the Law in areas affecting significant habitats and beaches (Vosburgh Swamp and Middle Ground Flats) which need protection from contamination by vessel wastes. Specific effluent standards for marina toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657) and shall be strictly enforced. Plans for expansion or development of new marinas will be reviewed to determine if a requirement for on-shore pump out facilities are appropriate and feasible. The recently discovered practice of large tankers exchanging contaminated water for the pure water of the river is also a threat to the ecology of the river as well. Therefore, the following policy shall apply in the Athens coastal waters and is recommended to other communities on the river as well.

POLICY 35 **DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.**

Explanation of Policy

Dredging often proves to be essential for water revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation, proper siting of the dredge spoil site, and restoring natural vegetation on the site.

In addition to the routine dredging of the main Hudson River Channel, dredging adjacent to the Village waterfront park, and at the mouth of Murderer's Creek (at the state boat launch) is appropriate to maintain adequate depths for navigation. Dredge spoils may be used at Middle Ground Flats to create sites for recreational use.

Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with State Coastal Policies 7, 7A, 15, 24, 26 and 44.

POLICY 36 **ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

Explanation of Policy

This policy shall apply not only to commercial storage and distribution facilities but also to residential and other users of petroleum products and radio-active and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters or which, by virtue of natural or man-made drainage facilities, eventually reach coastal waters are included under this policy. See also Policy 39.

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.

Explanation of Policy

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

1. Natural ground contours shall be followed as closely as possible.
2. Areas of steep slopes, where high cuts and fills may be required, shall be avoided.
3. Natural drainage systems shall be preserved to the extent practicable and extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
4. Natural protective vegetation shall remain undisturbed if at all possible.
5. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water shall be limited.
6. The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.
7. A ground cover shall be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
8. Runoff from a site shall be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
9. The angle for graded slopes and fills shall be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
10. The length as well as the angle of graded slopes shall be minimized to reduce the erosive velocity of runoff water.

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES, WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Explanation of Policy

Local groundwater supplies and surface water of the Hudson River must be protected. The impact of an action on the quality of Hudson River water will be a major factor in planning and decision making. Such impacts include those, resulting from construction activity, land use management, point and non-point pollution sources and direct actions on the water ways. See also Policy 39.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, RECREATION AREAS, AND SCENIC RESOURCES.

Explanation of Policy

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

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed, transported or otherwise managed." A list of hazardous wastes (NYCRR Part 366) has been adopted by DEC (6 NYCRR Part 371).

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources. Federal and State law provide a substantial base of regulations for waste disposal. The strict enforcement of these regulations is extremely important to protect the fish and wildlife habitats of the coastal area, and will be given priority.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

Explanation of Policy

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

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE FEDERAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clear Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area. Since dispersion conditions have been found to be weaker than elsewhere in the general area, monitoring of local conditions is necessary to determine the impact of proposed projects on air quality.

POLICY 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.

Explanation of Policy

The policies of the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF ACID RAIN PRECURSORS: NITRATES AND SULFATES.

Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act. A number of such areas along the Hudson River designated as Freshwater Wetlands by the Department of Environmental Conservation include Minerly Swamp, and just north of Murderer's Creek (see Map 3).

No tidal wetlands are delineated on the Hudson north of the Tappan Zee Bridge.

The benefits derived from the preservation of freshwater wetlands include but are not limited to:

1. habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains; (see Policy 7 and 7A)
2. erosion, flood and storm control;
3. natural pollution treatment;
4. groundwater protection;
5. recreational opportunities;
6. educational and scientific opportunities; and
7. aesthetic open space in many otherwise densely developed areas.

Existing state laws establish the basis for preservation of coastal resources but should be reinforced by appropriate local action where necessary. Activities in the coastal area which would adversely affect freshwater wetlands by causing increases in erosion, sedimentation, pollution or similar affects shall be scrutinized carefully and mitigating actions required where such impacts cannot be avoided.

SECTION IV
PROPOSED LAND AND WATER USES AND PROJECTS

IV. PROPOSED LAND AND WATER USES AND PROJECTS

A. PROPOSED LAND AND WATER USES

The land and Water Use Plan for the coastal area reflects the policies set forth in Section III and designates the use of land and water areas on the basis of physical capacity and limitations, land-water relationships, land and water access, utility services, historical context and environmental factors. See Map 7.

Four general land use categories are proposed. These are roughly comparable to the zoning districts established in the Village, although some new concepts are suggested, and describe areas with similar characteristics and objectives. As discussed in Section V, implementation of this plan required minor modifications to the Village Zoning Regulations.

The four land use categories are briefly described below:

1. Urban Area

This area includes the area from Union Street south to approximately Fifth Street -- with the exception of the waterfront -- and includes virtually all of the existing urban development in the coastal area. The area is served by public water and sewer facilities, contains the designated historic district and is appropriate for intensive commercial and residential development.

2. Urban Waterfront Area

The area from the state boat launch south to Fifth Street is adjacent to deeper water and is the traditional location of intensive waterfront activity. Although a variety of uses are appropriate in the area, priority should be given to those uses requiring a waterfront location, such as boat repair, marine sales or uses depending on water transportation.

3. Waterfront Recreation and Open Space Areas

Areas along the water's edge north of Murderer's Creek and south of Fifth Street have natural characteristics that limit development and are worthy of preservation, including flood plains, steep slopes and wildlife habitats. These areas should be retained in their natural state except for very low density residential use, where appropriate, or certain types of non-intensive, water-related recreation activity.

4. Planned Open Space Residential

The area north of Union Street and Murderer's Creek includes the Sleepy Hollow Lake second home development and several other large, undeveloped parcels. The size and nature of the Sleepy Hollow development could dramatically change the character of the surrounding area unless development guidelines are established.

B. PROPOSED PUBLIC AND PRIVATE PROJECTS

The following physical projects are proposed as part of the program to implement the coastal policies; legal and administrative measures are described in Section V. The project proposals are limited to those which were deemed of high priority by respondents to the Waterfront

Questionnaire and/or the Waterfront Advisory Committee and which were considered feasible in light of fiscal or other constraints (see Map 8).

1. **Village Park Improvements**

The Village's waterfront park at the foot of Second Street is strategically located to provide waterfront access and recreation and as a link between the river and the historic center of the Village. An improvement program is proposed (see Park Master Plan Exhibit I) which can be carried out in stages, as resources permit, and includes improved docking space. A new stand-pipe/dry hydrant is also included to improve fire fighting capacity and eliminate the need for fire vehicles to enter the park to tap river water.

2. **Barge Removal**

Removal of abandoned barges and other vessels from the water will improve the appearance of the waterfront and make additional waterfront property suitable for use.

3. **Improvement and/or Acquisition of Waterfront Property**

While there are at least eight properties (including street ends) with waterfrontage, only the Village Park at Second Street and state boat launch are designed and adequately developed for water related activities. Improvements to both of these are also warranted. Three other Village owned properties should be improved to provide various forms of recreation--such as boat launching, fishing, picnicking or hiking--based on their size and characteristics. These are:

- a. The Fourth Street boat launch which, with modest improvements, would be a useful "in-town" launching spot for local residents.
- b. Rainey Park where clearing of brush and development of paths could provide opportunities for passive recreation at the mouth of Murderer's Creek.
- c. The Sewage Treatment Plant where the quiet sitting area could be improved and made more attractive.

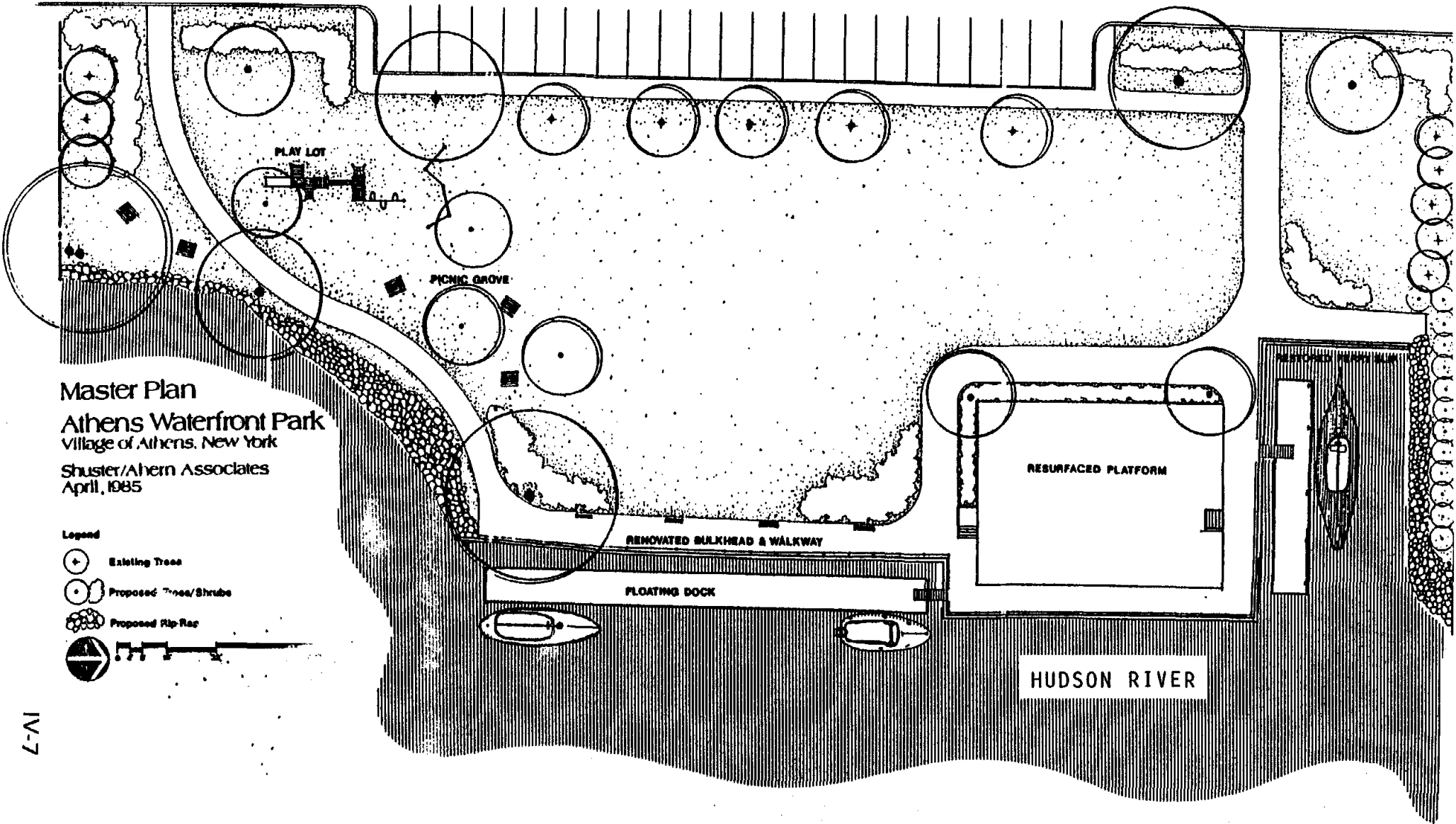
In addition, acquisition of additional land, especially via donation or easement, should be considered on a case-by-case basis when opportunities arise.

4. **Trails**

Several opportunities to create walking and hiking trails should be pursued:

- a. The "White Elephant Railroad" right-of-way which begins in the northern part of the Village is still physically intact and virtually uninterrupted. It could be used for hiking, cross country skiing or snow-mobiling along the river's edge all the way to the Cocksackie Town line.






WATER STREET

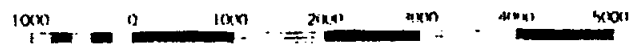
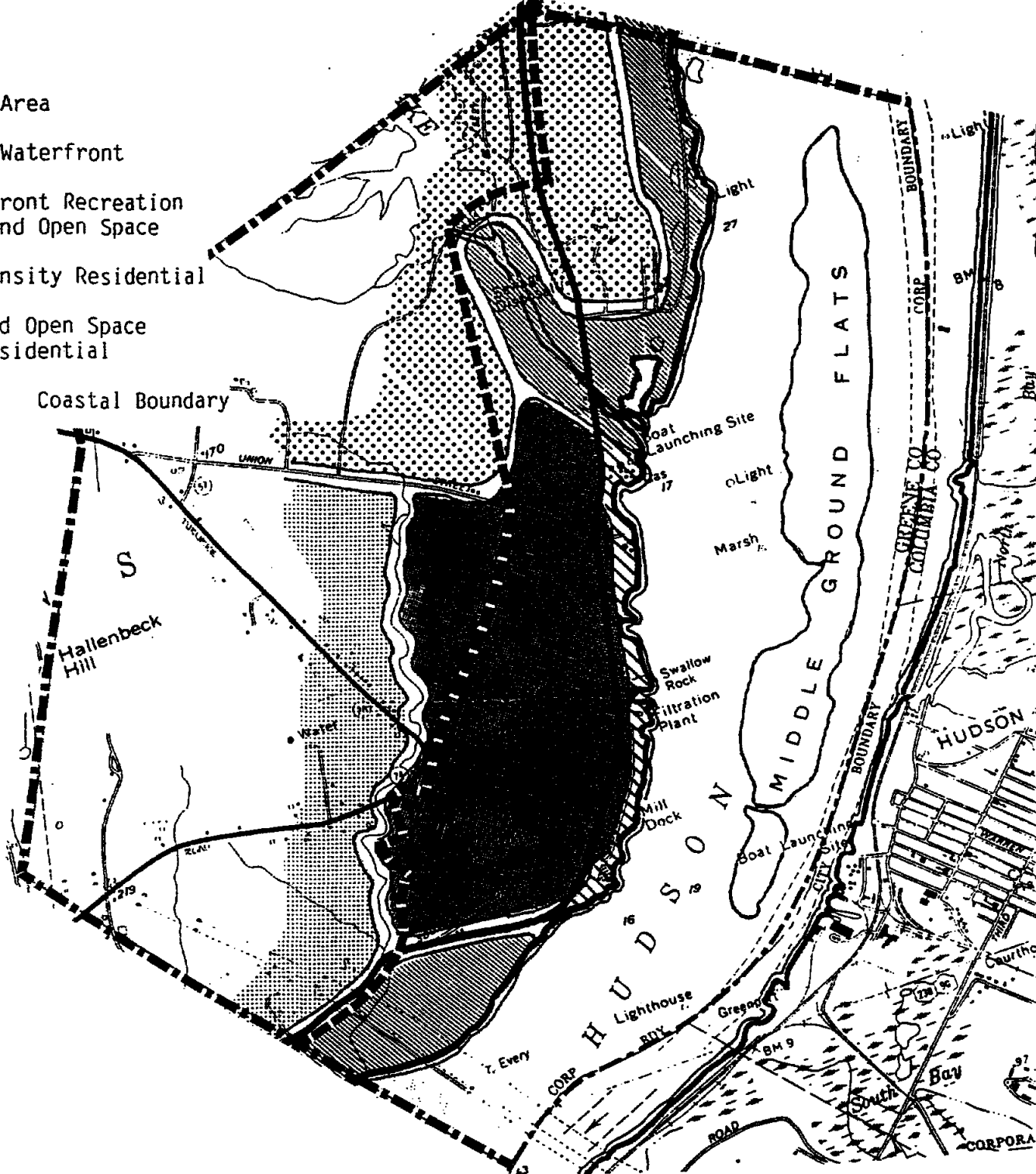


Master Plan
 Athens Waterfront Park
 Village of Athens, New York
 Shuster/Ahern Associates
 April, 1985

- Legend
- Existing Trees
 - Proposed Trees/Shrubs
 - Proposed Rip-Rap
 -

LEGEND

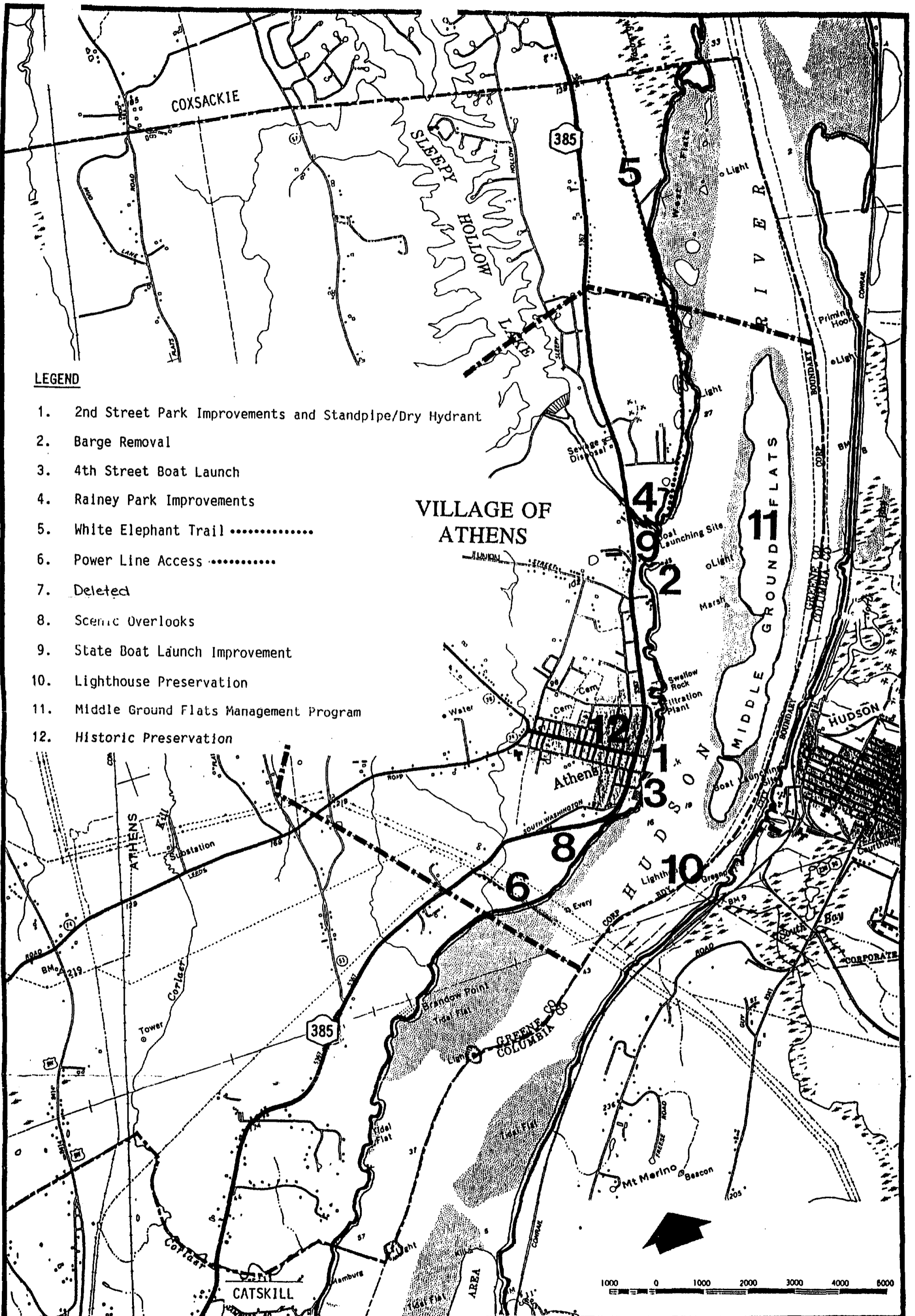
-  Urban Area
-  Urban Waterfront
-  Waterfront Recreation and Open Space
-  Low Density Residential
-  Planned Open Space Residential



Local Waterfront Revitalization Program
VILLAGE OF ATHENS
 Shuster Associates Planning Consultants

PROPOSED LAND & WATER USE

Map No.
7



LEGEND

1. 2nd Street Park Improvements and Standpipe/Dry Hydrant
2. Barge Removal
3. 4th Street Boat Launch
4. Rainey Park Improvements
5. White Elephant Trail
6. Power Line Access
7. Deleted
8. Scenic Overlooks
9. State Boat Launch Improvement
10. Lighthouse Preservation
11. Middle Ground Flats Management Program
12. Historic Preservation

Local Waterfront Revitalization Program

VILLAGE OF ATHENS

ACTION PLAN

Map No.

8

Shuster Associates

Planning Consultants

SECTION V
TECHNIQUES FOR LOCAL IMPLEMENTATION
OF THE PROGRAM

This section describes the local techniques -- legal, administrative, managerial and financial -- required to carry out the LWRP.

Part A describes legislation which implements the program. Part B sets forth specific implementing actions or projects. Part C describes the management structure to coordinate the program. Part D indicates the financial resources needed and, where possible, available to carry out specific proposed actions. Part E is a chart summarizing proposed actions and the policies from Section III to which they relate.

A. LOCAL LAWS AND REGULATIONS

1. Zoning Law

The Zoning Law establishes land use and density controls, in designated districts, based on a comprehensive plan. There are seven separate districts within the coastal area in the Village, plus special flood hazard districts, and an historic district. (See Map 9)

A number of amendments were adopted to implement the LWRP, as follows:

- a. W-Waterfront District: A new district which favors water related uses was established and the Zoning Map amended to indicate this district extending from Fourth Street, along the water's edge, to a point opposite Goodrich Street. (See Map 9)
- b. I-Industrial District: Expanded statement of purpose to include promotion and protection of water-dependent uses. Changed some permitted uses, (such as retail sales of non-marine products, offices, wholesale business, research and testing laboratories) to special permit uses so that the need for waterfront location can be considered prior to approval. Moved northern boundary south from 3rd Street to 4th Street.
- c. Supplemental Height Regulation: Added a new section 3.7 that restricts structures east of Route 385 to a maximum of 30 feet in height.
- d. Site Plan Approval: Added a new Section 5.6 which requires approval of a site plan by the Planning Board prior to issuance of a building permit. This provision applies to all new uses except one and two family homes and provides an opportunity to determine not only the functional characteristics of a use on its site but, also, its impact on many of the factors dealt with in the coastal policies (i.e. historic, visual, access, etc.).
- e. Average Density Development: A new Section 3.7 was added to allow "average density" subdivisions in which lot sizes may be varied so as to provide flexibility in design and preservation of natural features.
- f. Sign Regulations: A new Section 3.8 was added to regulate the size, location and type of signs permitted in the Village so as to preserve scenic views and the character of the historic district.

Application: The land use controls are essential tools for implementation of the Development Policies (1,2,2A, 4 and 5).

2. **Subdivision Law**

The law enables the Planning Board to establish standards for the sub-division of land into building lots including required improvements. The law also requires approval of a site plan prior to subdivision.

Application: These regulations are important to orderly development and particularly Development Policy 5, Flooding and Erosion Policies (14 and 17) Public Access Policies (19 and 20) and Water and Air Resources Policies (19 and 20) and Water and Air Resources Policies (32,33, 38, and 44).

3. **Flood Damage Prevention Regulations**

These regulations set standards for the type and location of construction in flood hazard areas designated by the Federal Emergency Management Agency. By enacting such legislation, the community enables property owners to be eligible for flood insurance and is entitled to federal aid in the event of a flood related disaster.

Application: These regulations are used to achieve Flooding And Erosion Policies (14 and 17).

4. **Freshwater Wetlands Law**

This law established the authority for the Village to implement the provisions of the New York State Freshwater Wetlands Act.

Application: This law applies to the goals established in the Fish and Wildlife Policies (7 and 7A), Flooding and Erosion Policies (14 and 17) and Water and Air Resources Policies (33,35,37 and 44).

5. **Environmental Quality Review**

This law requires compliance with the State Environmental Quality Review Act by all Village boards and agencies.

Application: Adherence to SEQR procedures allows an agency to identify possible adverse impacts of proposed actions on any aspect of the physical environment at the earliest possible stage and to recommend or require appropriate mitigating measures.

6. **Creation of Waterfront Advisory Committee**

A Waterfront Advisory Committee (see C. below) was established to coordinate and administer various actions necessary to implement the LWRP.

Application: This action relates to the entire LWRP.

7. **Local Consistency Law**

A local law was enacted to require that all local boards, agencies, commissions and departments act consistently with the policies established in the LWRP.

Application: This action relates to all aspects of the LWRP.

B. OTHER ACTIONS NECESSARY TO IMPLEMENT THE LWRP

Physical projects related to the LWRP are described in Section IV-B; required laws and regulations are set forth in Section V-A. Other actions that will further the policies of this LWRP are the following:

1. Scenic Roads Designation.

New York State's Scenic Byways Program recognizes the State's wealth of natural and cultural resources. This program is locally initiated for the purpose of enhancing tourism through planning and promotion.

A scenic byway is defined in New York State legislation as a transportation route along with the adjacent area which is of particular scenic, historic, recreational, cultural or archaeological significance and is managed to protect such character and to encourage economic development through tourism and recreation.

The State is particularly interested in designating roads along water bodies and is assessing the value of designating a scenic byway system in the Hudson River Corridor. The Village will urge designation of NY Route 385 as a scenic byway.

Application: Historic and Scenic Policies 23 and 25.

2. Historic Preservation and Revitalization Programs

The Village historic district and the Hudson-Athens Lighthouse are both listed on the National Register of Historic Places. Preservation and restoration of these sites is important to the cultural past and present economic revitalization of the community. The LWRP supports both of these efforts through the establishment of policies regarding each site to which local, state and federal actions will have to conform. In addition, the following local actions will further these programs:

a. Historic Preservation Guidelines

A set of comprehensive guidelines will be prepared for the historic district setting forth appropriate design and restoration techniques based on a detailed analysis of the existing architectural styles and the other elements which contribute to the historic significance and uniqueness of the district. These guidelines will suggest colors, materials, architectural details, landscaping elements, paving materials, fences, etc. that are appropriate for use in preservation and restoration projects in Athens. The guidelines will be prepared for use by property owners contemplating improvements as well as by local boards charged with review of proposed actions prior to approval.

b. Second Street/Waterfront Revitalization Study

A study will be undertaken to generate revitalization of the Second Street business area and the waterfront from the ferry slip to the sewage treatment plant. The study will identify business opportunities suited to the area and for which there is a demand; it will survey structures and sites which could accommodate such uses; it will research financial aids available and propose incentives to attract business; and, it will develop a program to market business development in Athens that is consistent with the waterfront policies. An important secondary objective of this study will be to recommend the appropriate mix of

uses and techniques to preserve the balance of residential and small scale business activity that makes Athens a pleasant place to live as well as visit.

c. Tourism Programs

A corollary to the revitalization study is the development of a program to promote and manage tourist activities in the waterfront area throughout the year -- winter activities as well as more traditional summer functions. A program will be prepared that identifies tourist markets, designs promotional efforts and coordinates advertising campaigns. The program will also plan tourist facilities and activities, including transportation, parking areas, maps, descriptive guides and special events that utilize all of the historic and recreational resources in the coastal area (lighthouse, historic district, boat launches, parks, trails, docking facilities, etc.). The possibility of a visitor's center will be investigated.

Application: Policies pertaining to this action are Development Policies 1, 2A, and 4, and Historic and Scenic Resources Policies 23 and 25.

3. Middle Ground Flats Management Program

Middle Ground Flats is an unused resource which can become either an asset or problem. It is owned by the state and is used as an ad hoc outdoor recreation facility although there is no specific management program or plans for its future use or development. It also provides a wildlife habitat and visual buffer between Athens and the City of Hudson. Before use and abuse become a serious problem, it is important that local and state government jointly study the options for this site, including possible sale to the Village and/or lease to private water related uses, and agree on its long range use, ownership and management. Any such use and management program must consider possible impacts on the Vosburgh Swamp and Middle Ground Flats Wildlife Habitat.

Application: A management plan for Middle Ground Flats will relate to Fish and Wildlife Policies 7, 7A, and 9; Public Access Policies 19, 19A, and 20; Recreational Policies 21 and 22; and Historic and Scenic Resources Policy 25.

4. Conservation Trust Feasibility Study

A study to investigate the feasibility of establishing a trust that can accept and administer easements, donations, or acquisition of lands to protect various natural resource areas and scenic views will be undertaken. The legal, operational and financial aspects of such a mechanism will be explored and a determination made as to its feasibility in Athens. An inventory of owners of potentially suitable sites will also be compiled.

C. MANAGEMENT STRUCTURE TO IMPLEMENT THE PROGRAM

1. Review of Local Actions

The Village appointed a Waterfront Advisory Committee and enacted a Waterfront Consistency Review Law, which establishes procedures for the review of proposed local actions to assure that they are undertaken consistent with the provisions of the LWRP. The provisions of this law require that Village agencies make a determination

of consistency with the LWRP after obtaining a recommendation from the Waterfront Advisory Committee. The text of the law is set forth in Appendix C.

2. Review of Proposed State and Federal Actions

Proposed State and federal actions will be reviewed for consistency with the LWRP in accordance with guidelines established by the New York State Department of State, which are set forth in Appendix D.

3. Other Waterfront Advisory Committee Functions and Powers

- a. Advise the Village Board on implementation priorities, work assignments, timetables, and budgetary requirements of the program.
- b. Subject to the approval of the Village Board, make application for funding from State, Federal, or other sources to finance projects under the LWRP.
- c. Maintain liaison with related Village bodies, including but not limited to the Planning and Zoning Boards, and with concerned non-governmental bodies, in order to further the implementation of the LWRP.
- d. Monitor in timely fashion the planned actions of state and federal agencies within the coastal zone in order to assure consistency of such actions with the LWRP, and recommend remedial action where necessary.
- e. Develop and maintain liaison with neighboring municipalities, and with County agencies.
- f. Prepare an annual report on progress achieved and problems encountered during the year, and recommend such actions as the Commission considers necessary for the further implementation of the LWRP.
- g. Perform other functions regarding the coastal zone as may be assigned to it from time to time.

D. FINANCIAL RESOURCES TO IMPLEMENT THE LWRP

Financial resources in varying amounts are required to implement the three types of actions in the LWRP--legal, administrative and physical projects. Resources necessary for the first two categories are relatively small and can be included in normal annual budget allocations. Although the list of physical projects has been intentionally limited to those of highest priority, several are beyond the Village's normal financial capacity.

Section VI indicates various State and Federal programs which may affect implementation of the LWRP, including some potential funding sources for specific physical projects. However, it is recognized that such funding is limited and competition for available funds is intense. Set forth below is the estimated cost of each proposed physical project and possible sources of funds to implement them. Preconstruction costs may be available from the New York State Department of State upon approval of this LWRP. Costs can be reduced by use of volunteers of Village labor forces.

1. Athens Ferry Slip Restoration Project at Second Street

- a. Estimated Cost: (see Exhibit II on following page)
- b. Possible Funding Sources

- New York State DEC
- New York State OPRHP
- Hudson River Foundation (Exxon Fund)
- Environmental Protection Fund

2. Waterfront Trails

- a. Estimated Cost: \$150,000 (15,000 lin. ft. @ \$10/ft)
- b. Possible Funding Sources
 - Private developers as part of large scale development. (Not included in cost estimates)
 - Utility Companies (power line R.O.W.)

3. Removal of Abandoned Barges

- a. Estimated Cost: \$175,000 (7 @ \$25,000 ea.)
- b. Possible Funding Source
 - U.S. Corps of Engineers

4. Rainey Park Improvements

- a. Estimated Cost: unknown
- b. Possible Funding Sources
 - New York State OPRHP
 - New York State DEC
 - Hudson River Foundation

E. SUMMARY CHART OF ACTIONS AND POLICIES

The following chart indicates the various implementing actions described in Sections IV and V, the Policy(ies) in Section III to which they are related and the local, State, or federal agencies responsible.

EXHIBIT II

PROJECT COST ESTIMATE FOR THE ATHENS FERRY SLIP RESTORATION

ITEM	OPTION #1 Village Property Only	OPTION #2 Village & Stewart House Property
	Total Project Costs	Total Project Costs
Bulkhead	\$455,500	\$523,700
Dredging	26,100	26,100
Walks & Promenade	289,652	309,152
Details & Misc.	196,850	196,850
Subtotal	\$968,102	\$1,055,802
Contingency	96,810	105,580
Engineering	15,000	15,000
Construction Inspection	10,000	10,000
Finance	5,000	5,000
Administration	20,000	20,000
Subtotal	\$146,810	\$155,580
Total Project Costs	\$1,114,912	\$1,211,382

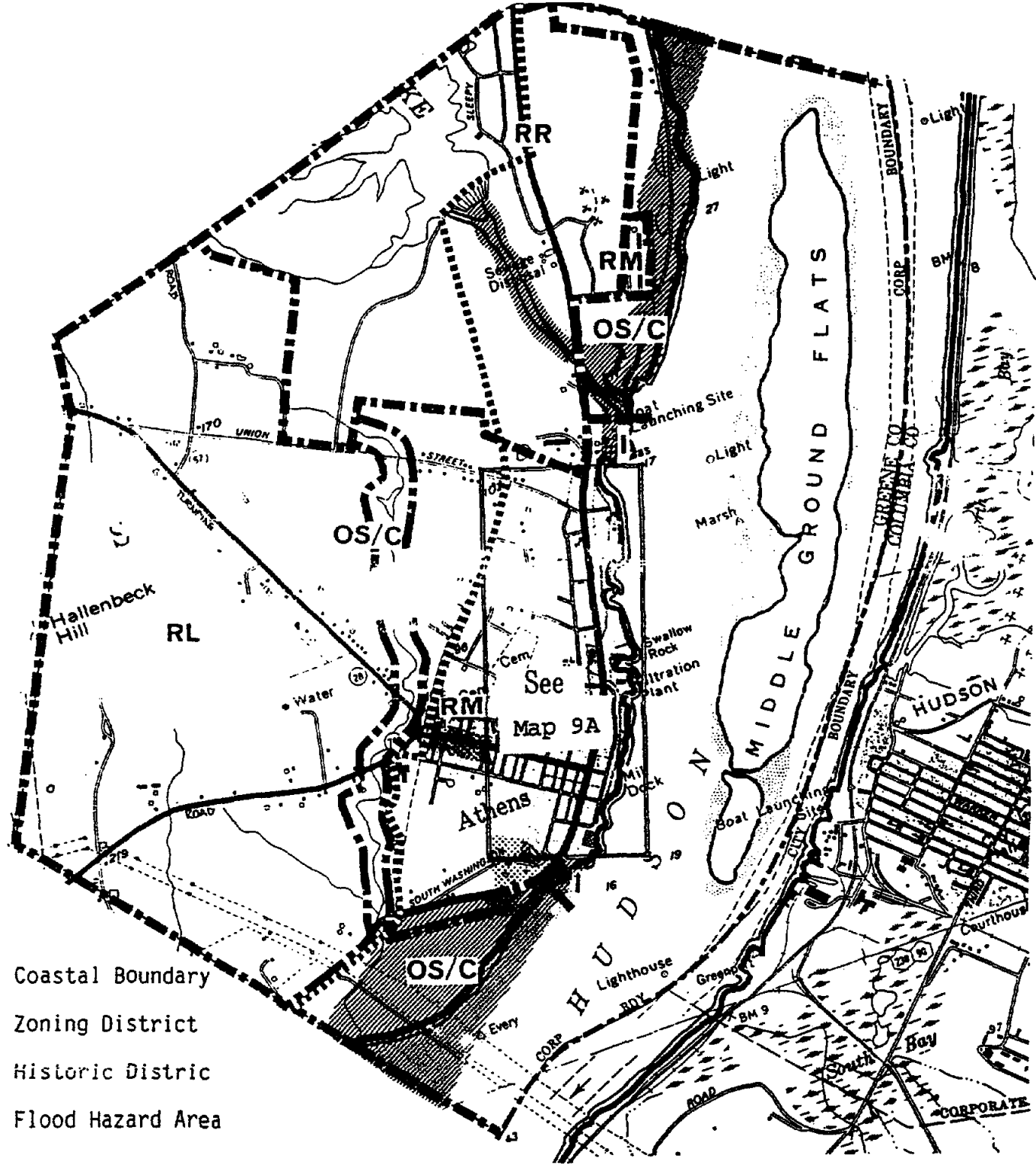
**ACTIONS AND POLICIES: SUMMARY
LOCAL WATERFRONT REVITALIZATION PROGRAM - VILLAGE OF ATHENS**

ACTION (see text for description)	Related Policies	Responsible Agency (s)*	Priority**
1. <u>Physical Projects</u>			
a. Athens Ferry Slip Restoration	1,2A,19,21	VB	1
b. Standpipe/Dry Hydrant	2,5	VB	1
c. Barge Removal	4,19,20,25	CE	1
e. Rainey Park Improvements	9,19,20,21,22,44	VB	2
f. White Elephant Trail	9,19,20,21	VB	3
g. Power Line Access	9,19,20,21,22	VB	2
h. Scenic Overlooks	21,22,25	VB/DOT	3
2. <u>Other Actions</u>			
a. Scenic Byways Designation	23,25	VB/DOT	2
b. Historic Preservation & Revitalization Programs	1,2A,4,23,25	VB/L/WC/P	1
c. Middle Grounds Flats Management Program	7,7A,9,19,19A,20,21,22,25	OPRHP/WC/OGS	2

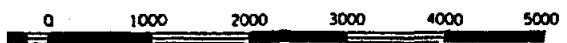
- * Responsible Agency
 VB Village Board
 DOT NYS Department of Transportation
 CE US Corps of Engineers
 P Private Property Owners
 L Lighthouse Committee
 WC Waterfront Commission
 OGS Office of General Services
 OPRHP Office of Parks, Recreation & Historical Preservation

** Priority (Priorities reflect discussion at Waterfront Advisory Committee meetings, responses to the Questionnaire, and project feasibility.)

1=high priority - 2=medium priority - 3=long range
 Priorities reflect discussion at Waterfront Advisory Committee meetings, responses to the Questionnaire, and project feasibility



- Coastal Boundary
- Zoning District
- Historic District
- //// Flood Hazard Area



Local Waterfront Revitalization Program

VILLAGE OF ATHENS

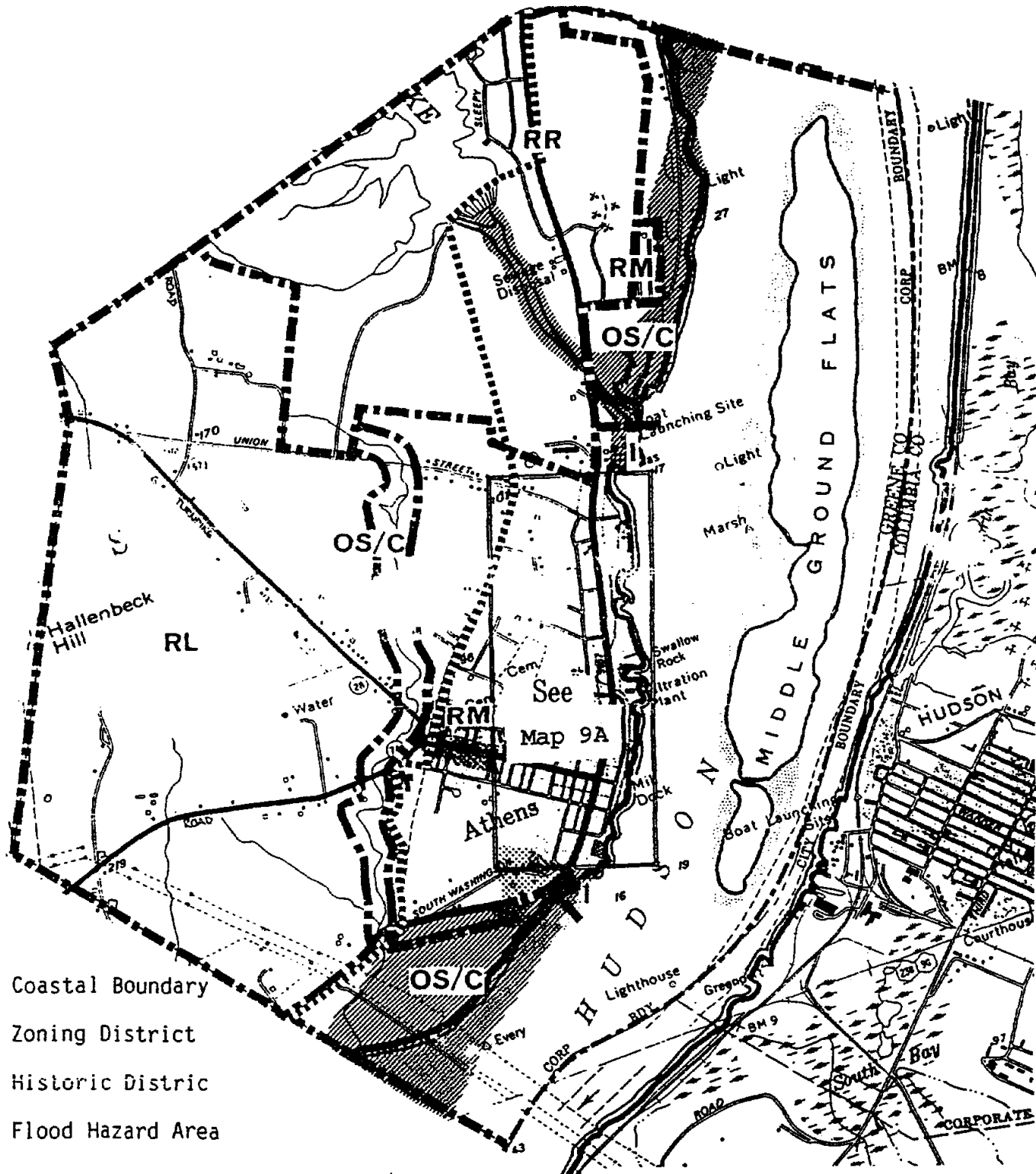
ZONING

Map No.

9

Shuster Associates

Planning Consultants



- Coastal Boundary
- Zoning District
- Historic District
- /// Flood Hazard Area



Local Waterfront Revitalization Program

VILLAGE OF ATHENS

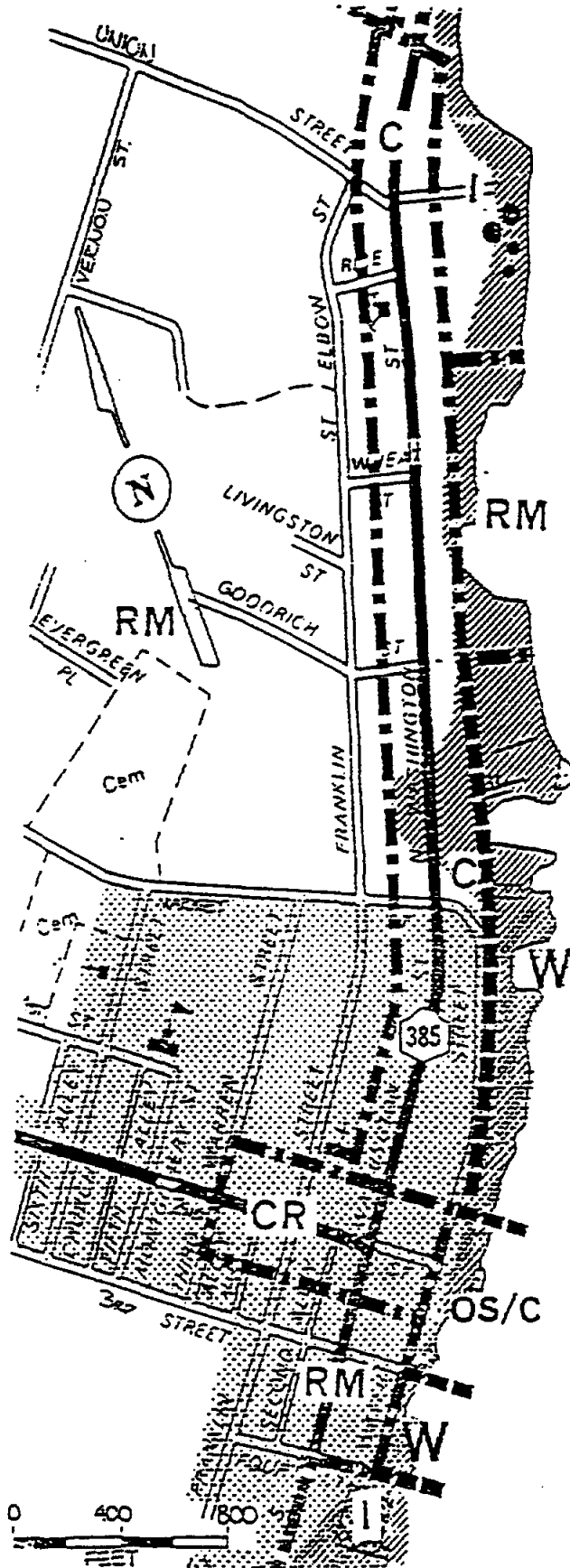
Planning Consultants

ZONING

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Chuster Associates



SECTION VI

**STATE AND FEDERAL ACTIONS AND PROGRAMS
LIKELY TO AFFECT IMPLEMENTATION**

A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP

1. STATE AGENCIES

OFFICE FOR THE AGING

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs.
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park - Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits
 - 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer's and Wholesaler's Licenses
 - 1.08 Club Beer, Liquor, and Wine Licenses
 - 1.09 Distiller's Licenses
 - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
 - 1.11 Farm Winery and Winery Licenses
 - 1.12 Hotel Beer, Wine, and Liquor Licenses
 - 1.13 Industrial Alcohol Manufacturer's Permits
 - 1.14 Liquor Store License
 - 1.15 On-Premises Liquor Licenses
 - 1.16 Plenary Permit (Miscellaneous-Annual)
 - 1.17 Summer Beer and Liquor Licenses
 - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
 - 1.19 Vessel Beer and Liquor Licenses
 - 1.20 Warehouse Permit
 - 1.21 Wine Store License
 - 1.22 Winter Beer and Liquor Licenses
 - 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of s. activities.
- 2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)
 - 1.14 Authorization Certificate (Private Banker Charter)
 - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
 - 1.16 Authorization Certificate (Safe Deposit Company Branch)
 - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
 - 1.18 Authorization Certificate (Safe Deposit Company Charter)
 - 1.19 Authorization Certificate (Savings Bank Charter)
 - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
 - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
 - 1.22 Authorization Certificate (Savings and Loan Association Branch)
 - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
 - 1.24 Authorization Certificate (Savings and Loan Association Charter)
 - 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
 - 1.26 Authorization Certificate (Trust Company Branch)
 - 1.27 Authorization Certificate (Trust Company-Change of Location)
 - 1.28 Authorization Certificate (Trust Company Charter)
 - 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
 - 1.30 Authorization to Establish a Life Insurance Agency
 - 1.31 License as a Licensed Lender
 - 1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF CORRECTIONAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

DEPARTMENT OF ECONOMIC DEVELOPMENT

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certification of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration
 - 2.03 Private School License
 - 2.04 Registered Manufacturer of Drugs and/or Devices
 - 2.05 Registered Pharmacy Certificate
 - 2.06 Registered Wholesale of Drugs and/or Devices
 - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

- 1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:
 - Air Resources
 - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
 - 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
 - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
 - 9.04 Permit for Burial of Radioactive Material
 - 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
 - 9.06 Permit for Restricted Burning

- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval - Drainage Improvement District
- 9.57 Approval - Water (Diversions for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.

FACILITIES DEVELOPMENT CORPORATION

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program
- 4.00 Greenway Trail Activities

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of s activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
 - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
 - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
 - 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)
 - 3.07 Operating Certificate (Special Care Home)
 - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

- 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
- 3.03 Funding programs for rehabilitation and replacement of municipal bridges
- 3.04 Subsidies program for marginal branchlines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs.
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

2. FEDERAL AGENCIES

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or rese status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 18 (33 U.S.C. 401, 403).

- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal; trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants

- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Age
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive
Environmental Response, Compensation and Liability (Super Fund)

* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

1. State Actions and Programs Necessary to Further the LWRP

a. Department of Environmental Conservation

- (1) Permits for Transportation of Water by Vessel and Approval of Plans for Wastewater Treatment: If issued in conformance with LWRP policies will help preserve the quality of the Hudson River.
- (2) Stream Bed Disturbance Permit: For construction of stand pipe, dredging of old ferry slip, and maintenance of Murderer's Creek channel to State boat launch.
- (3) Scenic Road Designation: For Route 385.

b. Office of Parks, Recreation and Historic Preservation

- (1) Land and Water Conservation Funds: Can be used to develop or improve facilities at 2nd Street Park, the 4th Street boat launch, Rainey Park, the White Elephant Trail, County Park, and the state boat launch. Sufficient water depths must be maintained in Murderer's Creek between the state boat launch and the Hudson River.
- (2) Nomination to State and Federal Register of Historic Places: Can designate appropriate structures and districts making them eligible for funding and tax incentives.
- (3) Historic Preservation Funds: Can be used for restoration of significant structures.

c. Department of State

- (1) Funds for LWRP implementation: Can be used for pre-construction activities such as the several historic preservation and revitalization studies, the Middle Ground Flats management study and the conservation trust feasibility study plus detailed design of the several park projects as well as construction of projects such as the trail system or 4th Street boat launch.

d. Department of Transportation

- (1) Design, Construction and Rehabilitation of State Highways: Can include improvements to Route 385 to create scenic overlooks, and preserve and maintain vistas.

e. New York State Council on the Arts

- (1) Architectural and Environmental Arts Program: Can be used to fund several historic and revitalization studies.
- (2) Construction and Rehabilitation: Can be used to fund improvement programs in the historic district.

f. Office of General Services

- (1) Leases and Easements: OGS has jurisdiction over the State's real property interest in Middle Ground Flats and submerged lands in the coastal boundary area.

2. Federal Actions and Programs

a. Department of Defense, Army Corps of Engineers

- (1) Channel Improvements, etc.: Funding and/or approval to repair deteriorated bulkheads along the River in the Village and to remove abandoned barges in the river are necessary to maintain navigation and improve shoreline facilities.

b. Department of the Interior

- (1) Outdoor Recreation--Acquisition, Development and Planning: Such assistance could be used to aid in the development of Middle Ground Flats for recreational use and improvements to other existing parks.
- (2) Historic Preservation Grants-in-Aid: Could be used to restore historic properties in the Village and Town.

- c. Department of Housing and Urban Development
 - (1) CDBG Small Cities Program: Assistance in various activities to revitalize Village business district.

- d. Office of General Services
 - (1) Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formally underwater lands and for authorization to use and occupy these lands.

SECTION VII
**CONSULTATION WITH OTHER AFFECTED STATE,
REGIONAL AND LOCAL AGENCIES**

VII. CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

A. Local Consultation

Consultation consisted of maintaining liaison with other Town and Village agencies whose actions or functions may be affected by the LWRP. Several public informational meetings were held and a summary of the program was distributed at the annual summer street festival.

B. Regional Consultation

Greene County Planning Board: Planning Board staff prepared the first draft of the Inventory and Analysis. A meeting was held with the Director of the Planning Board early in the program to discuss the nature of the LWRP and to offer the opportunity to comment on County concerns which the program might address. A number of suggestions were made and have been incorporated in the program. A copy of the first draft was referred to the staff.

C. Review of Draft LWRP by State, Federal and Local Agencies

The Draft LWRP (with Draft EIS) was reviewed and approved by the Village Board and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the Waterfront Revitalization of Coastal Resources Act and State Environmental Quality Review Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and Federal agencies and Greene County. Comments received on the Draft LWRP/DEIS were reviewed by DOS and the Village and resultant changes were made to the LWRP, which are detailed in the Final Environmental Impact Statement.

SECTION VIII
LOCAL COMMITMENT

VIII. LOCAL COMMITMENT

The program used to achieve local commitment is described below:

A. Waterfront Advisory Committee

The first action taken following approval of a joint Town and Village of Athens LWRP planning grant was to invite interested citizens and members of local boards to participate in the program. The appointment of a joint Town/Village Waterfront Advisory Committee was made from this group. The Committee included members of various local boards, members of business, civic, planning and environmental groups, and residents of the waterfront area.

The Committee was assigned major responsibility for guiding and developing the program. During the planning period the Committee met at least once a month. The entire committee has endorsed the program developed herein and recommended that it be adopted by the respective Town and Village Boards. However, only the Village has formally adopted their plan and enacted implementation measures (laws, regulations, etc.) in the plan.

B. Public Meetings

The general public has been informed of the planning process through periodic releases and through participation in two public meetings. The first meeting was held at the start of the program to determine public concerns, to explain the purpose of the program and its potential benefits and to set forth the schedule and procedures to be followed. The second meeting was held at a point when the policies had been established and a program determined but when modifications were still possible based on public response. Final public hearings were held by the Town and Village Boards.

C. Briefings

The Supervisor and the Mayor followed the activities of the Waterfront Advisory Committee and the preparation of the LWRP throughout the planning period as well as attending to various administrative functions.

D. Questionnaire

A questionnaire was distributed to residents of the coastal area to determine the opinion on a variety of issues. The results from 147 responses are discussed in Appendix A.

APPENDIX A
ANALYSIS OF QUESTIONNAIRE RETURNS

SHUSTER ASSOCIATES

RD 1, Box 259 Stone Ridge, New York 12484
(914) 687-0758

PLANNING
AND
ZONING
SERVICES

APPENDIX A

March 26, 1985

To: Waterfront Advisory Committee
Village and Town of Athens

Subject: Analysis of Questionnaire Returns

As of March 22, 147 Waterfront Questionnaires had been returned. This represents a very good response--approximately one-third of those distributed.

Attached is a copy of the questionnaire with the total responses to each question indicated. (In most cases, the totals do not add up to 147 because not all respondents answered all questions.) Also attached is a random listing of additional comments provided by respondents.

Set forth below is a summary of the highlights of the responses.

Question #1

- * The replies were fairly evenly distributed between the Town (61) and the Village (73). As would be expected most respondents (78%) lived west of Route 385.

Question #2

- * Over 80% of the respondents indicated they enjoyed the view.
- * 44% picnicked on the waterfront and 37% either fished or boated.

Question #3

- * Of those who indicated a need for improved recreation facilities, swimming was the need most often expressed followed by picnicking and boating.

Question #4

- * The issue considered most important (almost 50% higher than that ranked second) was protection of natural resources.

- * Considered least important was future use of Middle Ground Flats.
- * On the basis of assigning 2 points for very important, 1 for important and 0 for not important, the issues scored as follows:

Protection of natural resources - 210

Preservation of traditional waterfront uses - 174

Restoration of historic Village Center - 131

Additional Public access to the waterfront - 127

Future use of Middle Ground Flats - 107

Question #5

- * The most favored uses for large parcels in the town were to preserve views and open space (97) followed by single family homes (78).
- * The most disapproved uses were apartments and condominiums (79), industrial development (64) and commercial development (59).
- * The "preference differential"--the number in favor less those who disapproved--is one measure of the strength of sentiment. The order was as follows:

Preserve views	+ 85
Single Family homes	+ 52
Agricultural uses	+ 34
Commercial development	- 10
Industrial development	- 21
Apartments or condominiums	- 53

Question #6

- * The most favored project was continued development of the Village's waterfront park (114) followed by removal of abandoned barges (91).
- * Every project listed was favored by a majority of those who responded (favored vs disapproved plus no opinion) except development of a boat launch at the sewage plant (even in this case, more favored than disapproved).

* The preference differential was as follows:

Continue development of waterfront park	+ 103
Remove abandoned barges	+ 73
Install stand pipe at Village park	+ 71
Acquire additional waterfront property	+ 63
Create hiking trails on White Elephant RR	+ 61
Extend Rainey Park to river	+ 54
Provide more dock space at Village park	+ 54
Develop scenic overlooks on Route 385	+ 50
Develop boat launch at sewage treatment plant	+ 9

Question #7

* See attached.

Waterfront Questionnaire

★ Return To: Village Clerk
2 First Street
Athens, NY 12015

SUMMARY TABULATION

Total responses: 147

VILLAGE AND TOWN OF ATHENS
 LOCAL WATERFRONT REVITALIZATION PROGRAM

The Village and Town of Athens are preparing a program for the use and protection of the Hudson River waterfront and its natural and man-made resources. The Waterfront Advisory Committee, made up of Village and Town residents, is seeking the opinions of local residents concerning a variety of issues. Please take a few minutes to complete as many of the following questions as you can so that we may have the benefit of your thoughts on this important project.

①. Check the two boxes which indicate where you live.

- a. Village of Athens 73
- b. Town of Athens 61
- c. Between the river and Route 385 28
- d. West of Route 385 97

②. Please check those boxes next to any recreational activity in which you participate on the waterfront.

- | | | | |
|-------------|-----------|----------------------|------------|
| a. Fishing | <u>56</u> | f. Enjoying the view | <u>122</u> |
| b. Swimming | <u>29</u> | g. Picnicing | <u>65</u> |
| c. Boating | <u>54</u> | h. Other | <u>12</u> |
| d. Hunting | <u>21</u> | | |
| e. Hiking | <u>22</u> | | |

③. Of the activities listed above, which do you think need more or improved facilities?

- | | | | |
|-------------|-----------|----------------------|-----------|
| a. fishing | <u>17</u> | f. Enjoying the view | <u>14</u> |
| b. Swimming | <u>34</u> | g. Picnicing | <u>25</u> |
| c. Boating | <u>24</u> | h. Other | <u>10</u> |
| d. Hunting | <u>6</u> | | |
| e. Hiking | <u>16</u> | | |

④. The following issues of concern in the coastal area have been discussed by the Waterfront Advisory Committee. Please designate each with a number: 1 = very important; 2 = important; 3 = not important.

- | | | | |
|-----------|-----------|-----------|--|
| <u>1</u> | <u>2</u> | <u>3</u> | |
| <u>48</u> | <u>31</u> | <u>33</u> | Additional public access to the waterfront. |
| <u>41</u> | <u>49</u> | <u>29</u> | Restoration of the historic Village Center. |
| <u>66</u> | <u>42</u> | <u>13</u> | Preservation of traditional waterfront uses. |
| <u>93</u> | <u>24</u> | <u>6</u> | Protection of natural resources. |
| <u>35</u> | <u>37</u> | <u>43</u> | Future use of state land on Middle Ground Flats. |

5. Several large parcels of land in the Town, between Route 385 and the river, are undeveloped and could be used for a variety of purposes. Please indicate whether you favor, disapprove or have no opinion on each.

	Favor	Disapprove	No Opinion
a. Single family homes.	<u>78</u>	<u>26</u>	<u>21</u>
b. Apartments or condominiums.	<u>26</u>	<u>79</u>	<u>19</u>
c. Industrial development.	<u>43</u>	<u>64</u>	<u>12</u>
d. Commercial development.	<u>49</u>	<u>59</u>	<u>16</u>
e. Agricultural uses.	<u>59</u>	<u>25</u>	<u>27</u>
f. Preserve views and open space.	<u>97</u>	<u>12</u>	<u>14</u>

6. A number of specific projects have been proposed for the waterfront. Please indicate whether you favor, disapprove or have no opinion on each.

	Favor	Disapprove	No Opinion
a. Install stand-pipe for fire protection at Village Park.	<u>82</u>	<u>11</u>	<u>30</u>
b. Develop scenic overlooks on Route 385.	<u>78</u>	<u>28</u>	<u>19</u>
c. Extend Rainey Park to the river.	<u>78</u>	<u>24</u>	<u>19</u>
d. Create hiking or bike trails on the "white elephant" rail bed.	<u>79</u>	<u>18</u>	<u>29</u>
e. Continue development of the Village's waterfront park.	<u>114</u>	<u>11</u>	<u>27</u>
f. Provide more dock space at the Village's Waterfront park.	<u>77</u>	<u>23</u>	<u>27</u>
g. Remove abandoned barges in the river.	<u>91</u>	<u>18</u>	<u>16</u>
h. Develop a Village/Town boat launch adjacent to the sewage treatment plant.	<u>48</u>	<u>39</u>	<u>33</u>
i. Acquire additional waterfront property which becomes available.	<u>81</u>	<u>18</u>	<u>25</u>

7. Do you have any other comments or suggestions you wish the waterfront Advisory Committee to consider? _____

Thank you for time and consideration in responding to these questions.

You may list your name and address if you wish.

Selected Comments

Athens LWRP Questionnaire

Commerical fishing would be an asset along with boating--Restore and renovate historic buildings along the waterfront.

More recreational facilities for children--promote skating; a place to skate, equipment to rent, lighting for night skating.

Boat launch needs repair--lighting for night use--also a place to swim on the river is needed.

Pier for fishing is needed.

Improve water activities--clean up water-feels it is polluted.

A place to go swimming or just sit and relax without garbage and broken glass etc.

Clean Water--no PCB's.

Better Swimming areas--better access, cleaner.

Improve water quality--grants or loans should be given to riverfront property owners for improvements or for landscaping of their property, repairing docks.

Public beach needed.

Need fencing for protection of children--would like shopping area on waterfront--quaint shops something unique.

Scenic overlooks on Route 385 need "no littering" signs--barrels for trash. Owns waterfront property which is for sale feels property owners should not be restricted on the usage or sale of their property.

Some of the vacant lots in the village should be built on--parks don't pay taxes people do!

Wants a closer look at delinquent tax roll--bring in more industry, before beautification and not burden tax payers with more taxes.

On the west side of the Hudson River for its entire length, very little has been done to make it attractive.

Park dock should have concrete slab over it.

More benches with backs and better lighting in park.

Creating hiking or bike trails on the "White Elephant" may cause problems for land owners.

Need more access to waterfront and better launches--develop the waterfront with private commercial and industrial section to increase the population and broaden the tax base, so the Town/Village will have more capital to work with.

Improve hiking trails and identify them. Do a needs survey about additional access to the waterfront-tree replacement program. Inspect new wood stove installation. Village/Town maintain views along 385 doing what DOT doesn't do. Regulation of satellite disks siting. Have DOT make wider shoulders on 385 to make jogging safer. Development of a walking tour of the Village for visitors.

Make waterfront park more accommodating to public.

More picnic benches, less trees that spoil the view.

Advisory committee should keep in mind while making future plans of how it will affect the taxes on the public.

Need abundant supply of good quality drinking water from June-September-- need a new water pipeline from the lake; need a traffic light at bank, very dangerous.

Clean up river.

More dock space--consider height limitations on new construction at waterfront so view won't be ruined.

Better Swimming areas--a beach could be created by dredging at Rainey Park.

Improve boat launch--it's a disgrace.

A lot of debris in the water--beach needs to be cleaned up.

Improve whole launch area & dredge channel going to river--extend existing state launch to include picnic facilities.

More beaches--improve swimming areas.

More tables and benches in picnic areas and viewing areas.

Leave waterfront natural.

Some of the shore line is a mess and inaccessible but should not be made unnatural or too fancy.

Town could use a motel in conjunction with waterfront activities and sports.

Better swimming facilities and picnic areas.

Need public boat docking facilities--also a public beach--would like the Village to be a stopping point for any large day-line type vessel that go up and down the river.

Look forward to Middle Ground Flats becoming a part of the State park system.

There are few places to hike along the river. Very enthusiastic about possibility of acquiring riverside land for recreation.

The fishing wall needs repair.

More money should be spent on water system i.e. storm sewers.

Fourth Street needs dredging and a raft--state launch needs dredging too.

A dock going out 50' into the river would help.

More tables and benches.

More benches and larger picnic areas.

Better docking facilities--large+small alike need it--area needs a phone booth.

Markers on water showing location of State launch.

More picnic tables & bathrooms; use pressure treated lumber in the building more tables would be cheaper in the long-run as they last much longer.

Make a public sandy beach--snack stand--lifeguards--bathrooms--should also be roped off, prohibiting boats--also cleaner water.

APPENDIX B

VOSBURGH SWAMP AND MIDDLE GROUND FLATS HABITAT

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Vosburgh Swamp and Middle Ground Flats**

Designated: **November 15, 1987**

County: **Greene**

Town(s): **Coxsackie, Athens**

7½' Quadrangle(s): **Hudson North, NY**

Score Criterion

- 25** Ecosystem Rarity (ER)
 An extensive area of tidal mudflats, wetlands, and littoral zones; rare in the Hudson Valley region.
- 0** Species Vulnerability (SV)
 Mud turtle (T) and least bittern (SC) reported, but not confirmed.
- 14** Human Use (HU)
 Commercial shad fishery and waterfowl hunting support significant use by residents of the Hudson Valley;
 additive division: $9 + 9/2 = 14$.
- 9** Population Level (PL)
 Concentrations of waterfowl and various anadromous fish species are unusual in the Hudson Valley.
- 1.2** Replaceability (R)
 Irreplaceable.

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R]

= 57

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

DESIGNATED HABITAT: VOSBURGH SWAMP AND MIDDLE GROUND FLATS

HABITAT DESCRIPTION:

Vosburgh Swamp and Middle Ground Flats extend for approximately four miles along the western shore of the Hudson River, upstream from the Village of Athens, in the Towns of Cossackie and Athens, Greene County (7.5' Quadrangle: Hudson North, N.Y.). The fish and wildlife habitat encompasses approximately 1,200 acres, comprised primarily of extensive mudflats and shallows, off-channel open water areas, hardwood swamp, a freshwater impoundment (Vosburgh Swamp) and spoil bank islands. The habitat also includes Murderers Creek, upstream approximately one-half mile to Sleepy Hollow Lake dam, which is the first impassable barrier to fish.

FISH AND WILDLIFE VALUES:

Extensive tidal mudflats and shallow littoral zones are relatively rare in the Hudson Valley region of New York. These habitat types, along with the emergent wetlands and open water areas, make the Vosburgh Swamp and Middle Ground Flats area very attractive to many fish and wildlife species. The mudflats, marshes, and littoral zones in this area provide valuable feeding and resting habitat for large concentrations of waterfowl during the fall and spring migrations. Approximately 10,000 canvasbacks, along with various other waterfowl species, have been reported in the area during seasonal migrations. When open water is available, this area also provides an important waterfowl wintering area in the upper Hudson Valley region, especially significant for redhead and canvasback ducks. Several spoil bank islands on Middle Ground Flats provide relatively unique vertical sand banks that have been colonized by bank swallows. This is one of the few locations in this section of the Hudson River where this species has been confirmed breeding.

A heavy concentration of American shad utilize the littoral zone areas at West Flats and around Middle Ground Flats for spawning. This area, including Murderers Creek, is also utilized as a spawning, nursery, and feeding area by striped bass, alewife, blueback herring, white perch, and a variety of resident freshwater species. Mud turtles (T) and least bittern (SC) have been reported to reside in Vosburgh Swamp, but this has not been confirmed for either species. This wetland area does provide potential habitat for various other marsh-nesting birds, including green-backed heron, American bittern, black duck, mallard, wood duck, Virginia rail, common moorhen, and marsh wren.

Several rare plant species, including heartleaf plantain, and subulate arrowhead, occur in river shoreline areas near Vosburgh Swamp.

Human use of the Vosburgh Swamp and Middle Ground Flats area is of regional significance. The area receives very heavy waterfowl hunting pressure during the fall migration period. In addition, one of the northernmost commercial shad fisheries is established in the vicinity of Middle Ground Flats. A NYSDEC boat launch is located on the south side of Murderer's Creek, providing access for recreational fishing throughout the area.

IMPACT ASSESSMENT:

A **habitat impairment test** must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include but are not limited to reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,

3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase turbidity or temperature, or alter water depths in the Vosburgh Swamp and Middle Ground Flats habitat would result in significant impairment of the habitat. Disruption of the freshwater or tidal flows in these areas could have major consequences to the littoral zones, wetlands, and mudflats which contribute significantly to the value of this habitat. Elimination of productive wetland and littoral areas, through dredging, filling, or bulkheading would have significant impacts on the fish and wildlife resources of Vosburgh Swamp and Middle Ground Flats.

Spills of oil or other hazardous substances are an especially significant threat to this area, because the biological activity of tidal flats is concentrated at the soil surface, much of which may be directly exposed to these pollutants. Thermal discharges, depending on time of year, may have variable effects on use of the area by aquatic species (and wintering waterfowl); shad spawning activities and survival are directly affected by water temperature. Installation and operation of water intakes could have significant impacts on fish populations in the area, through impingement of juvenile and adult fish, or entrainment of fish eggs and larval stages.

KNOWLEDGEABLE CONTACTS:

N.Y.S. Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231
Phone: (518) 474-6000

NYSDEC-Region 4
Route 10, Jefferson Road
Stamford, NY 12167
Phone: (607) 652-7364

NYSDEC Information Services
700 Troy-Schenectady Road
Latham, NY 12110
Phone: (518)783-3932

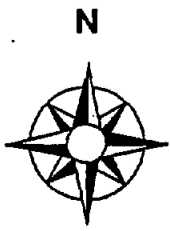


VOSBURG SWAMP AND MIDDLE GROUND FLATS

STOCKPORT CREEK AND FLATS

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Stockport Creek and Flats (in part) / Vosburg Swamp and Middle Ground Flats



APPENDIX C

ATHENS WATERFRONT CONSISTENCY REVIEW LAW

THE VILLAGE OF ATHENS WATERFRONT CONSISTENCY REVIEW LAW

Village of Athens, New York

Local Law No. 8 of the year 1993

A local law The Village of Athens Waterfront Consistency Review Law

Be it enacted by the Board of Trustees of the Village of Athens as follows:

(Incorporating Local Law no. 1 of the year 1999 Amending the Village of Athens Waterfront Consistency Review Law)

CHAPTER 89 - WATERFRONT CONSISTENCY REVIEW

GENERAL PROVISIONS

§89.1. TITLE

This local law shall be known as the Village of Athens Waterfront Consistency Review Law.

§89.2 AUTHORITY; PURPOSE

- A. This local law is adopted pursuant to the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law); Article IX, Section 1 of the New York State Constitution; and Article 5-G of the General Municipal Law of the State of New York and expressly supersedes any inconsistent general or local law regarding consistency review, zoning and waterways.
- B. The purpose of this local law is to provide a framework for agencies of the Village of Athens to consider the policies, purposes and common interests contained in the Local Waterfront Revitalization Program of the Village of Athens when reviewing applications for actions or direct agency actions located in the coastal area, to assure that such actions are consistent with those policies and purposes, and toward that goal, to establish a Village of Athens Waterfront Advisory committee to provide review of actions located within the Coastal area.
- C. It is the intention of the Village of Athens that the preservation, enhancement and utilization of the natural and man-made resources of the unique coastal area of Athens take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such balance, permitting the beneficial use of coastal resources while preventing the loss of living coastal resources and wildlife, diminution of open space areas or public access to the waterfront, erosion of the shoreline, impairment of scenic beauty, losses due to flooding, erosion and sedimentation or permanent adverse changes to ecological systems.

- D. The substantive provisions of this chapter shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

§89-3. DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS - Either Type I or unlisted actions as defined in SEQRA regulations (6 NYCRR Part 617) which are undertaken by an agency and which include:

- A. Projects or physical activities, such as construction or other activities, that may affect the environment by changing the use, appearance or condition of any natural resources or structure, that:
 - (1) Are directly undertaken by an agency.
 - (2) Involve funding by an agency.
 - (3) Require one (1) or more new or modified approvals from an agency or agencies.
- B. Agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions.
- C. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.
- D. Any combinations of the above.

AGENCY - Any board, agency, department, office, other body or officer of the Village of Athens.

APPLICANT - Any person making an application or other request to an agency to provide funding or to grant an approval or permit in connection with a proposed action.

COASTAL AREA - That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Athens, as shown on the Coastal Area map on file in the office of the Secretary of State and as delineated in the Village of Athens Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF) - The form, contained in Appendix A,* used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

* Editor's note: Appendix A is on file in the Village Clerk's Office

CONSISTENT - The action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one (1) or more of them.

DIRECT ACTIONS - Actions planned and proposed for implementation by an agency or the village, such as but not limited to capital projects, promulgation of rules, regulations, laws, codes or ordinances and policymaking which commits an agency or the village to a course of action.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - the Local Waterfront Revitalization Program of the Village of Athens approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the office of the Clerk of the Village of Athens.

WATERFRONT ADVISORY COMMITTEE or COMMITTEE - The Village of Athens Waterfront Advisory Committee, as created pursuant to Section IV herein.

§89-4. CREATION OF WATERFRONT ADVISORY COMMITTEE

- A. A Committee is hereby created and shall be known as The Village of Athens Waterfront Advisory Committee
- B. The Committee shall consist of five members, two of whom shall be appointed by the Village of Athens Board of Trustees and two of whom shall be appointed by the Mayor of the village of Athens. The fifth member who shall be the chair, shall be jointly appointed by the Mayor of the village of Athens and the Athens Board of Trustees. Of the members of the Committee first appointed, one (1) shall hold office for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years from and after their appointment. Their successors shall be appointed for the term of five (5) years from and after expiration of the terms of their predecessors in office. Vacancies shall be filled by the appointing Board and Chief executive officer as designated above.
- C. Each member appointed by the Village Board shall be a resident of the village. Members shall be chosen for their demonstrated knowledge, ability, and readiness to serve the Committee in the functions described in this local law and with due regard for maintaining among membership's a range of special aptitudes and expertise in areas relevant to the Village of Athens Local Waterfront Revitalization Program.
- D. After referral from an agency, the Committee shall consider whether the proposed action is consistent. In addition to the completed CAF's, the Committee may request such other and further information as it deems to be necessary to its consistency opinion.

- E. The Committee shall render its written opinion to the agency within 30 days following referral of the CAF from the agency, unless extended by mutual agreement of the Committee and the applicant, or, in the case of a direct action, the agency. The opinion shall indicate whether the proposed action is consistent and shall elaborate the basis for its opinion. The Committee may find that the proposed action is consistent, consistent with recommended modifications or inconsistent. In the event that the Committee's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee's recommendation.
- F. The agency shall make the determination of consistency based on the CAF, the Committee recommendation and such other information as it deemed to be necessary in its determination. The agency shall issue its determination within seven (7) days of the date for receipt of the Committee's recommendation. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.
- G. Actions to be undertaken within the Coastal Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Athens LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal working hours. Agencies which undertake direct actions shall also consult with Section IV of LWRP in making their consistency determination. The action shall be consistent with the policy to:
 - (1) Revitalize deteriorated and underutilized waterfront areas through a mixture of uses (Policy 1)
 - (2) Retain and preserve existing and promote new water dependent uses (Policies 2, 2A)
 - (3) Strengthen the economic base and small harbor character of the Athens waterfront by encouraging the development and enhancement of traditional maritime uses and activities (Policy 4)
 - (4) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).
 - (5) Streamline development permit procedures (Policy 6)
 - (6) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7,8)
 - (7) Maintain and expend recreational fishing opportunities (Policy 9)
 - (8) Minimize flooding and erosion hazards through nonstructural means, carefully selected, long-term structural measures and appropriate siting of structure (Policies 11, 12, 13, 13A, 14, 15, 16, 17, 28)
 - (9) Safeguard economic, social and environmental interests in the coastal area in which major actions are undertaken (Policy 18)
 - (10) Maintain and improve public access to the shoreline and to Middle Ground Flats and other water-related recreational facilities while protecting the environment (Policies 2, 19, 19A, 20, 21, 22)
 - (11) Protect and restore historic and archaeological resources (Policy 23)

- (12) Protect and upgrade scenic resources (Policy 25)
- (13) Protect and conserve agricultural lands (Policy 26, 26A)
- (14) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policy 27, 40)
- (15) Prevent ice management practices which could damage significant fish and wildlife and their habitats (Policy 28)
- (16) Protect surface and ground waters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 34A, 35, 36, 37, 38)
- (17) Perform dredging and dredge disposal in a manner protective of natural resources (Policies 15, 35)
- (18) Handle and dispose of hazardous wastes and effluents in a manner which will not adversely affect the environment (Policy 39)
- (19) Protect air quality (Policies 41, 42, 43)
- (20) Protect tidal and freshwater wetland (Policy 44)

H. Findings

- (1) If the agency determines that the action would not be consistent with one (1) or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:
 - (a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.
 - (b) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions.
 - (c) The action will advance one (1) or more of the other LWRP policy standards and conditions.
 - (d) The action will result in an overriding village, regional or statewide public benefit.
- (2) Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

§89-5. ENFORCEMENT

The Village Code Enforcement Officer shall be responsible for enforcing this chapter. No work or activity on a project in the Coastal Area which is subject to review under this chapter shall be commenced or undertaken until the Code Enforcement Officer has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with this Chapter or any conditions imposed thereunder, the Code Enforcement Officer shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

§89-6. PENALTIES FOR OFFENSES

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this chapter shall have committed a violation punishable by a fine not exceeding five hundred dollars (\$500) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1,000) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

EFFECTIVE DATE:

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

APPENDIX D

CONSISTENCY REVIEW PROCEDURES FOR STATE AND FEDERAL ACTIONS

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM**

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

I. PURPOSES OF GUIDELINES

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

II. DEFINITIONS

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
 - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;

2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
 3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
 1. Shall fully describe the nature and location of the action;
 2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
 3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
 - 3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

**PROCEDURAL GUIDELINES FOR COORDINATING
NYS DEPARTMENT OF STATE (DOS) & LWRP
CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

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