

SECTION III - Local Policies and Applicable State Policies

The City of Beacon Waterfront Revitalization Program has been designed to be consistent with the State program, while emphasizing local conditions, policies, plans and projects.

The section on Local Policies and Applicable State Policies is divided according to State designated policy areas and State policies within each policy area. Each New York State Policy (indicated by an Arabic numeral) may be followed by a statement or statements of local policies that are relevant to local conditions and/or can strengthen the State policies by local actions (indicated by a capital letter following the Arabic number, e.g. A, B, C). If no local policy is indicated, the State policy is directly applicable without elaboration of local conditions. If the State policy is not applicable to the City, it is so noted.

Following the policy statements are explanations of the policies and descriptions of criteria, standards or guidelines that will be used to evaluate compliance with a particular policy or policies. Portions of the State explanations and guidelines have been used where relevant. In general, decisions on public expenditures, future land use and review of private development plans will be measured in terms of compliance with state and local policies.

Development Policies

POLICY 1

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

POLICY 1A

Establish waterfront commercial and residential uses on long dock peninsula to serve as a catalyst for the economic and physical revitalization of the entire waterfront area.

POLICY 1B

Structurally and aesthetically improve the deteriorated harbor area between long dock and Riverfront Park to a level compatible with surrounding recreational uses.

POLICY 1C

Develop the parcel between the southern Dutchess County Club and the Hudson River for low density residential use.

POLICY 1D

Establish uses and streetscapes in the urban renewal project #1 area that provide visual, physical and economic linkages between the waterfront and the central business district, and that will help redevelop the urban renewal area in an environmentally sensitive manner.

POLICY 1E

Develop the underutilized parcel on Denning's Avenue for residential and light industrial uses compatible with the existing adjacent sewage treatment plant.

Explanation of Policy

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

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

Beacon's Hudson Riverfront is physically separated from the remainder of the City by the railroad. Much of the immediate waterfront is too narrow to permit intensive use, although passive recreation use should be encouraged in these areas. Revitalization efforts on the waterfront must therefore focus on the three waterfront peninsulas: Riverfront Park, Long Dock and Denning's Point. Denning's Point and Riverfront Point are public lands available only for recreational uses. Economic uses will therefore be focused on Long Dock.

The portion of the Waterfront Revitalization Area east of the railroad is also an important part of the area. The partially completed Urban Renewal Area -- Project #1 -- in the center of the area will ultimately have a significant impact on the City-water relationship. In addition, the City has numerous excellent examples of Hudson River architecture which contribute to the Beacon waterfront area's valuable cultural heritage. Every effort should be made to enhance and preserve this asset.

1. When a Federal or State action is proposed to take place in an urban waterfront area regarded as suitable for development, the following guidelines will be used:
 - a. Priority should be given to uses which are enhanced or dependent upon a location adjacent to the water (see Policy 2);
 - b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development;
 - c. The action should serve as a catalyst to private investment in the area;
 - d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline;
 - e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;

- f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand;
 - g. The action should improve adjacent and upland views of the water and shoreline, and, at a minimum, must not affect these views in an insensitive manner;
 - h. The action should have the potential to improve the possibilities for multiple uses on the site.
2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area. See also Policy 23.

POLICY 2

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

POLICY 2A

Develop water-dependent and water-enhanced uses in the long dock, and harbor areas, particularly marinas, boat launching ramps, moorings, and related facilities.

POLICY 2B

Develop Denning's Point for low intensity water-dependent and water-enhanced recreational uses (e.g. hiking, bird watching and educational activities).

Explanation of Policy

Because of the limited amount of land in the City with direct access to the river, encouragement of water-dependent uses is very important. Water-dependent uses applicable to Beacon have been defined by New York State as follows:

- Uses which depend on the utilization of resources found in coastal waters (e.g. fishing).
- Recreation activities which depend on access to coastal waters (e.g. fishing and boating).
- Uses involved in the sea/land transfer of goods (e.g. docks, pipelines, storage facilities).
- Structures needed for navigational purposes (e.g. lighthouses).
- Flood and erosion protection structures (e.g. bulkheads).

- Facilities needed to store and service boats (e.g. marinas, boat repair).
- Uses that rely on waterborne transportation.
- Scientific/educational activities which require access to coastal waters.
- Support facilities for water dependent uses (e.g., parking lots or restrooms for Waterfront Park visitors).

In addition, water-enhanced uses should be encouraged, although not at the expense of water-dependent uses. A water-enhanced use has been defined by the State 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."

In evaluating sites for water-dependent uses, the following criteria were used:

- The ability to tie into in-place facilities and services (public sewers and water, truck and/or rail access, public transportation access).
- Access to navigational channels, in the case of recreational boating or commercial shipping purposes.
- Compatibility with adjacent uses.
- Protection of other coastal resources (e.g. natural habitats).
- Possibility for the future expansion of the use.

See also Policies 23 and 23A

POLICY 3

The state coastal policy regarding development of major ports is not applicable to Beacon.

POLICY 4

The state coastal policy regarding the strengthening of small harbors is not applicable to Beacon.

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 necessitates its location in other coastal areas.

POLICY 5A

Improve sewer and water services at Denning's Point, long dock, and Riverfront Park.

Explanation of Policy

The City of Beacon has a full range of public services and facilities. Public service improvements for sites in the Waterfront Revitalization Area not served by public systems or without adequate infrastructure should be made as development or redevelopment occurs. Historically, the area west of the railroad has

been provided with water and sewer facilities adequate for the in-transit flow of passengers using the railway and the now defunct ferry service. These facilities may, however, be inadequate to support new development under the LWRP and would, therefore, have to be expanded to meet the recreational, residential, commercial and other uses proposed for Riverfront Park, Long Dock, and Denning's Point.

POLICY 6

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

Explanation of Policy

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

When development activities in the coastal area involve New York State, State agencies will make every effort to coordinate their permit procedures and regulatory programs with those of the City of Beacon, as well as with other involved State agencies. A similar effort for the coordination of City permits and procedures should be pursued.

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 practical, 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 that 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 includes:

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 of Coastal Resources and Inland Waterways 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 Fishkill Creek estuary and marsh shall be protected, preserved, and, where practical, restored so as to maintain its viability as a habitat.

Explanation of Policy

The Fishkill Creek Estuary and Marsh have been designated as a significant Coastal fish and wildlife habitat and as such is fundamental to assuring the survival of the fish and wildlife populations which it hosts.

Fishkill Creek is located on the east side of the Hudson River, in the City of Beacon and the Town of Fishkill, Dutchess County. The fish and wildlife habitat is an approximate one-half mile segment of this relatively large, perennial, warmwater stream, extending from its mouth on the Hudson River to the first dam upstream. A short section of the Creek, below the dam, flows over steep rocky rapids. However, most of the habitat (up to the first road bridge) is within the tidal range of the Hudson River, and contains extensive areas of mudflats, emergent marsh, and subtidal beds of aquatic vegetation. The habitat includes an approximate 80 acre shallow bay area located at the creek mouth (west of the Conrail railroad), and undeveloped portions of Denning's Point, a wooded, sand peninsula which shelters the area. Nearly all of the land area bordering Fishkill Creek, including Denning's Point, remains in a relatively natural condition. Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, invasion by water chestnut, upstream water uses, and potential effects of industrial and landfill operations located just north of the area.

Fishkill Creek is one of about 5 major tributaries emptying into the lower portion of the Hudson River estuary. The diversity of natural ecological communities, and lack of significant human disturbance in the area, provides favorable habitat conditions for a variety of fish and wildlife species. Habitat quality in the open bay portion may be reduced by extensive invasion by water chestnut. However, several rare plant species, including subulate arrowhead, and kidneyleaf mud-plantain, occur in the estuarine portion of Fishkill Creek.

Fishkill Creek is an important spawning area for anadromous fishes, such as alewife, blueback herring, white perch, tomcod, and striped bass. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to shallows near the creek mouth and other nursery areas in the Hudson River. An exception is tomcod, which spawn in the area in December and January. A substantial warmwater fish community also occurs in Fishkill Creek throughout the year. Resident species include largemouth bass, bluegill, brown bullhead, and goldfish. Fishkill Creek probably marks the northern extent of blueclaw crab (in abundance), and is occasionally used by marine fishes, such as bluefish, anchovy, silversides, and hogchoker. Freshwater inflows from Fishkill Creek play an important role in maintaining water quality (e.g., salinity gradient) in the Hudson River estuary.

The abundant fisheries resources of Fishkill Creek provide significant opportunities for recreational fishing. However, the stream channel is relatively inaccessible, and angling pressure throughout the area is light.

In addition to its importance as a fisheries resource, Fishkill Creek provides productive feeding habitats for various wildlife species. Locally significant concentrations of herons, waterfowl, furbearers, and turtles may be found in the area at almost any time of year. Fishkill Creek is reported to be a major crossing point for raptors migrating through the Hudson Valley, along the northern slope of the Hudson Highlands. Although complete data on these bird populations are not available, concentrations of osprey have been observed regularly at Fishkill Creek during spring migration. At least several of these birds appear to be summer residents at Denning's Point, and a man-made nesting platform has been constructed on the southern end of the peninsula. This is one of only 3 sites on the Hudson River where researchers are hoping to establish a breeding pair of these birds. In addition, least bittern has been reported as a probable breeding species in the marshes at the mouth of Fishkill Creek.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, alter tidal fluctuations, or increase water temperatures in Fishkill Creek would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in significant impairment of the habitat. However, efforts to control water chestnut may be desirable or necessary to maintain the ecological importance of this area. Of particular concern in this major tributary are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Clear water areas at the mouths of major tributary streams are important feeding areas for osprey during migration. Development of hydroelectric facilities or municipal water supplies should only be allowed with run-of-river operations and appropriate minimum flow restrictions, respectively. Barriers to fish migration, whether physical or chemical would have significant impacts on fish populations in the creek as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Elimination of wetlands or significant human encroachment into the area, through dredging or filling, could result in a direct loss of valuable fish and wildlife habitats.

Existing areas of natural vegetation bordering Fishkill Creek should be maintained to provide bank cover, soil stabilization, nesting and perching sites, and buffer areas. Human disturbance around Denning's Point should be minimized when osprey are in the area. It is also recommended that rare plant species occurring in Fishkill Creek be protected from adverse effects of human activities.

POLICY 8

Protect fish and wildlife resources in the (encouraged) coastal area from the introduction of hazardous wastes and other pollutants, which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

POLICY 8A

Prohibit the discharge of untreated effluent and pollutants from commercial and industrial facilities along Fishkill Creek.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. The handling (storage, transport, treatment and disposal) of the hazardous materials is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws.

The discharges from industrial facilities along Fishkill Creek should be monitored, and New York State laws should be strictly enforced where violations exist.

See also Policy 30.

POLICY 9

Expand recreational use of fish and wildlife 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 wildlife resources and considers other activities dependent on them

POLICY 9A

Improve public access to the water for fishing and passive recreation uses through the acquisition of land and/or easements on the Hudson between long dock and Dennings Point, and on the banks of Fishkill Creek.

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.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas 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, costs and available technology.

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

1. Consideration should be made by City, State, and Federal agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State Law. See Policy 19 also.

POLICY 10

Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (a) encouraging the construction of new or improvement of existing on-shore commercial fishing facilities; (b) increasing marketing of the state's seafood products; and (c) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be made in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.

Explanation of Policy

As the Hudson has become less polluted, there has been a resurgence of interest in commercial fishing in the river. At this time, the presence of PCB's limits commercial fishing to shad, sturgeon and blue crab although other species are abundant. The Hudson has the potential to be a large striped bass fishery, particularly since the species is declining in the Chesapeake Bay area (currently the largest fishery for striped bass). However, at present, PCB levels in striped bass are approximately twice the limit (2 parts per million) considered safe by the federal government. PCB levels have been declining, and at some point it is expected that the commercial striped bass fishing will be re-opened.

On the local level, the docking of fishing boats and the provision of related services should be permitted where the land area is sufficient. State and City owned property along the waterfront should be encouraged to provide space for small scale commercial fishing where practicable.

Flooding and Erosion Hazards Policies

POLICY 11

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

Explanation of Policy

Because of Beacon's location on the Hudson River, it is not subject to severe coastal erosion, as are parts of Long Island. The Flood Hazard Area (100 year flood) along both the Hudson and Fishkill Creek is

relatively narrow, and no coastal erosion hazard area has been identified in the City's waterfront area. Development in the flood plain is regulated by the City's "Flood Damage Prevention" law, which is in accord with National Flood Insurance Program Standards.

In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks. See maps adopted in conjunction with the City's "Flood Damage Prevention" law adopted in 1987.

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

POLICY 12

The state coastal policy regarding preservation of erosion natural protective features is not applicable to Beacon.

POLICY 13

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

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. The Beacon shoreline is protected by ice breakers, riprap and bulkheads, construction and maintenance of which will be subject to the standards identified in this policy.

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. Actions which pertain to Beacon include the failure to observe proper drainage or land restoration practices, thereby causing run-off and erosion and weakening of shorelands, and the placing of structures in identified floodways so that the base flood level is increased causing damage in other wise hazard-free areas.

While no flood hazard area has been designated for the Hudson, structures are prohibited in the Fishkill Creek floodway. Development of hillsides with grades in excess of 25 % (and thus very high erosion hazard) is also restricted.

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

Excavation or dredging in nearshore or offshore waters can deprive shorelands of their natural regenerative powers. Thus, any excavation or dredging should be done in a manner that does not cause increased erosion of the shorelands.

In Beacon, dredging of the harbor should be carefully planned and monitored to insure that disturbance of adjacent areas is kept to a minimum.

See also Policies 23 and 23A.

POLICY 16

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

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the 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: (a) the set back of buildings and structures; (b) the planting of vegetation and the installation of sand fencing and draining; (c) the reshaping of bluffs; and (d) the flood-proofing of buildings or their elevation above the base flood level.

Explanation of Policy

The non-structural measures to be employed in Beacon primarily address the adverse impacts of flooding upon development. '

As defined by the New York State Coastal Management Program, non-structural measures within identified flood hazard areas include: "(a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level".

Standards for Development within Areas of Special Flood Hazard

Any proposed development in an area of special flood hazard (also known as the 100 Year Flood Plain) must comply in all respects with the applicable provisions of the City's "Flood Damage Prevention" law. A development permit shall be obtained before the start of construction or any other development within such areas of special flood hazard.

General Policy

POLICY 18

To safeguard the vital economic social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resources areas.

Explanation of Policy

Proposed major actions may be undertaken in the coastal 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, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

Public Access Policies

POLICY 19

Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public 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.

POLICY 19A

Improve pedestrian access to the Hudson River front through the provision of pedestrian bridges over tunnels under the railroad tracks.

POLICY 19B

Repair or replace the bridge over the railroad tracks at long dock to serve riverfront park, the railroad station and long dock.

POLICY 19C

Restore water access to the beacon riverfront to enable larger vessels (i.e. the sloop Clearwater) to dock in the harbor through a program of careful dredging and stabilization of the harbor.

Explanation of Policy

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

Currently, Riverfront Park and the Harbor are the main recreation sites on the waterfront. The establishment of improved recreational facilities in recent years has helped to make the park more accessible. However, inadequate pedestrian and vehicular railroad crossings still serve to restrict the number of trips to the area. Another factor limiting its use is the inadequate parking in the waterfront as a whole.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

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

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

- *Access* -- ability and right of the public to reach and use public coastal lands and waters.
- *Public water-related recreation resources or facilities* -- all public lands or facilities suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- *Public lands or facilities* -- lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- *A reduction in the existing or anticipated level of public access* - includes, but is not limited, to the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during a peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.

- (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following:
 - already existing special fares (not including regular fares in any instance) of public transportation to a water-related recreation resource or facility, except where the public body, having jurisdiction over such fares determines that such fare increases are necessary;
 - and/or admission fees as such to a resource of facility and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State government established poverty level.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
- (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

POLICY 20

Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

POLICY 20A

The possibility of a pedestrian path should be explored along the railroad right-of way on the east bank of Fishkill Creek. A pedestrian path should also be encouraged from Denning's Point to Riverfront Park in a manner which provides significant opportunities to view the shoreline.

Explanation of Policy

The foreshore is the part of the shore between the high water mark and low water mark. In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous

activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking, bird watching, photography, nature study, and fishing.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

Because of the rocky nature of the riverfront and the location of the railroad tracks, the foreshore area in Beacon is narrow and often inaccessible. The lands adjacent to the foreshore in Beacon are in a mixture of public, private and railroad ownership. However, with access, some of these areas could provide the type of facilities described here.

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

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

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
 - a. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely

affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. The City and State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy. See Policies 1, 2, and 21.

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

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

- (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

Recreation Policies

POLICY 21

Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over nonwater 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 tile 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.

POLICY 21A

Establish support facilities at Riverfront Park to increase its attractiveness and its capacity as an open space site for passive recreational uses including boating and fishing.

POLICY 21B

Develop the north, south, and west shorelines of the long dock peninsula including the harbor area for water-dependent recreational uses such as fishing, walking and boating.

POLICY 21C

Preserve the underdeveloped green valley floor of the Fishkill Creek for passive recreational uses including a tramway.

POLICY 21D

Establish a linear recreational path along the narrow strip of land west of the railway between long dock and Denning's Points.

POLICY 21E

Establish linear and open space recreational uses on the perimeter of Denning's Point while preserving the rest of the peninsula as a wildlife sanctuary.

POLICY 21F

Establish an access path to fisherman's point on Riverfront Park.

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.

The City's waterfront area is currently a valuable water-enhanced resource. Improvement and should involve the development of water-dependent activities (e.g. boat ramp and mooring facilities) to increase the waterfront's value to Beacon's residents.

The development of water-related recreation at the above locations is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, and, provided demand exists, water-related recreation development is to be increased. Such 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.

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

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

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

Water-related off-road recreational vehicle use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented, where practicable to minimize such adverse impacts. if acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posed and enforced.

The recommendations for access and specific uses relating to Denning's Point are subject to the provisions of a management plan to be completed by OPRHP.

See also Policies 23 and 23A.

POLICY 22

Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonable anticipated demand for such activities and the primary purpose of the development.

POLICY 22A

New developments along the riverfront especially at long dock, and Fishkill Creek should provide for water-related recreation, and should also set aside open space for passive recreation.

Explanation of Policy

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

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2 % of total project cost. Such uses include boat landing facilities, fishing sites, and walking trails.

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

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

Where appropriate, new development should be clustered to preserve open space, vegetation and any significant environmental resources.

See also Policies 23 and 23A

POLICY 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities or the nation.

POLICY 23A

Encourage the restoration and adaptive reuse of large historic estates, such as the mill buildings on Fishkill Creek.

Explanation of Policy

Among the most valuable of the State's man-made resources are those structures in areas which are of historic, archeological, or cultural significance. The protection of these structures must involve 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.

Beacon's cultural and historic heritage is among its most valuable assets. The Waterfront Revitalization Area includes several proposed historic districts and numerous individual structures which are deemed to be eligible for nomination to the National Register of Historic Places. See page II-13 for a more detailed description of historic resources in the coastal area. A number of historic buildings, including several in the High Street District, and several of the mills on Fishkill Creek are deteriorating and in need of rehabilitation.

The protection of these structures must involve the recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

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

1. A resource which is in a Federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource listed, or eligible for listing, on the National or State Registers of Historic Places.
3. A resource on or nominated to be on the State's Nature and Historic Preserve Trust.
4. An archeological resource which is on the State Department of Education's inventory of archeological sites.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.
6. A resource that is a significant component of an Urban Cultural Park.

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

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 archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture 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 archeological 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 archeological 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. Within historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

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

The NYS Office of Parks, Recreation, and Historic Preservation has identified the Beacon waterfront area as sensitive for the presence of archeological sites, representing settlement patterns important to our understanding of the State's prehistory and history. Any ground-modifying construction should be preceded by an archeological investigation through consultation with the State Historic Preservation Officer when necessary.

Scenic Quality Policies

POLICY 24

The state coastal policy regarding scenic resources of statewide significance is not applicable to Beacon.

POLICY 25

Protect, restore and enhance natural and manmade resources which are not identified as being of state-wide significance, but which contribute to the scenic quality of the coastal area.

POLICY 25A

The following view sheds will be protected:

1. **Main Street & Route 9d**
2. **Beacon Street & Route 9d**
3. **Rombout Avenue & Route 9d**
4. **Route 9d & Wolcott Avenue**
5. **South Avenue & Route 9d**
6. **Denning's Avenue at South Avenue**
7. **Sargent Avenue at St. Lawrence Seminary**
8. **South Avenue '4 Num West of Denning's Avenue**
9. **Paye Street**
10. **River Street and Beekman Street**
11. **Southwest View from Wolcott Avenue 200 Feet West Of Bayview Avenue**
12. **West View from Wolcott Avenue 200 Feet West Of Bayview Avenue**
13. **Northwest View from Wolcott Avenue 200 Feet West Of Bayview Avenue**

Explanation of Policy

The scenic quality of Beacon results from the combination of clustered buildings (many historic), and wooded hillsides against the backdrop of the Hudson Highlands. The height, bulk and scale of future buildings will be important factors in maintaining the character of the City, as will be the preservation of the wooded hillsides the intersperse the developed areas.

The State Coastal Management Program recommends that the siting and facility related guidelines outlined in Policy 24 be used to achieve this policy. While the guidelines are general, and must be adapted to individual situations, they reflect sound planning principles. See also Policies 23 and 23A.

The viewsheds to be so protected are shown and described on the following pages.

1 Main Street and Route 9D

The traffic light at the intersection of Route 9D and Main Street is the western entrance to the City's business district. Due to urban renewal demolition, the view to the west is unobstructed from an elevation of 100 feet. In the foreground the land is bulldozed stumps and some weed trees. The middle ground is dominated by Beekman Street and the old residential neighborhood of High Street. The background is a clear view of the Hudson River, the Newburgh waterfront to the City's center and the hills beyond. To the southwest, the vista is blocked by the historic Reform Church and rectory standing alone on the hill.



The viewshed from the intersection of Route 9D and Main Street can be protected by building codes which restrict the height and location of buildings. Landscaping the foreground with low flowering trees and lawn will enhance the view; the vest pocket park at the foot of Main Street is a fine example. This stretch of Route 9D is the western border of Beacon's historic district. It has been recommended to be added to the state's list of scenic highways.

2 Beacon Street and Route 9D

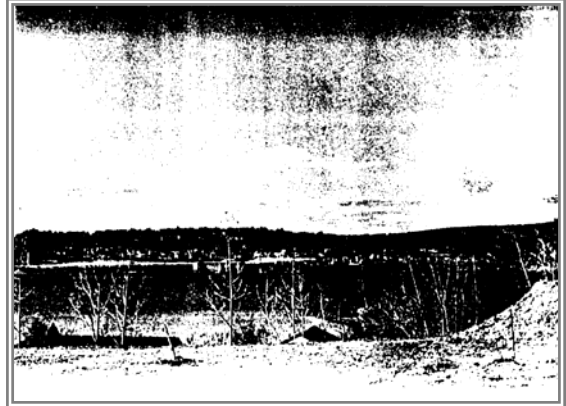
Moving south along Route 9D into the historic district, the view from Route 9D and Beacon Street is dominated by the Reform Church and rectory in the foreground to the southwest, leaving an open view to the west and northwest. The middle ground is bisected by Beekman Street. The Beacon Waterfront Park and railroad tracks and the old ferry pier are dominant. In the background is a panoramic view to the northwest dominated by the Beacon Bridge and the mountain beyond.



The west is dominated by Newburgh Bay framed by the City Center and the hills beyond. This view will be enhanced when the rubble is cleared away and replaced with low growing trees and lawn and when the old ferry slip is cleaned up.

3 Rombout Avenue and Route 9D

Moving south along Route 9D to the intersection of Route 9D and Rombout Avenue, the view is to the west. The foreground is dominated by the Reformed Church, its gazebo and graveyard. The roofs of Hammond Plaza Duplex condominiums form the middle ground. This is a fine example of siting and height which preserve the view. The middle ground is dominated by the Metro North Train station and parking lot, River Front Park, and the Beacon Sloop Club building. The background is dominated by Newburgh Bay, the City Center and the hills beyond.



The view would be enhanced by cleaning up and landscaping the land around the church. The old ferry slip should be refurbished and made useable.

4 Wolcott Avenue and Route 9D

At the intersection of Route 9D and Wolcott Avenue, the view changes to the southwest. The foreground is dominated by the old Nabisco printing plant, surrounded by woods and the Fishkill Landing Duplex development. The middle ground is the railroad track and the wooded area along the river. The background is a panorama from southwest to south dominated by the Storm King and Breakneck mountains to the south.



The scenic quality would be enhanced by cleaning up the roadside along the sidewalk and providing benches and low growing trees. This would enhance Wolcott as a link from the waterfront to the residential and historical districts.



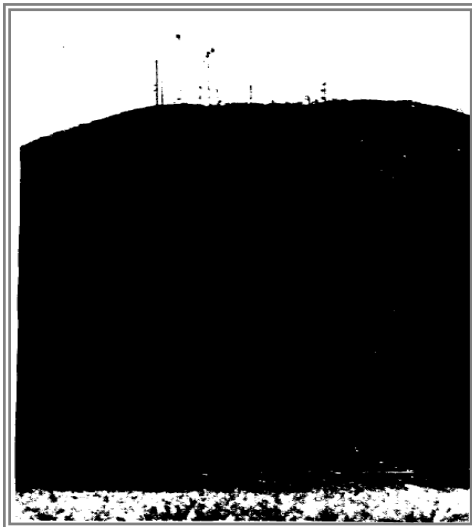
5 South Avenue and Route 9D

The panoramic view from the elevation of 100 feet is from southwest to west. The foreground is dominated by a newly constructed duplex housing development. The middle ground is all wooded space. The background is dominated by the Hudson River from Cornwall Bay to Newburgh Bay. The Newburgh waterfront Center City and the hills beyond make up the back drop for this river view.

The view would be enhanced by landscaping the foreground by preserving the open space or, at a minimum, the significant trees found there.

6 Denning's Avenue at South Avenue

The view is to the west between houses. In the foreground is a historic house and Fishkill Landing Duplex development. The middle ground is wooded. The background is Newburgh Bay and the City of Newburgh.



7 Sargent Avenue at St. Lawrence Seminary

The view from here is from the east to the southwest. In the foreground is a manicured lawn planted with low flowering trees. In the middle ground is the seminary building surrounded by trees and out buildings. The background is a panoramic view of the mountains.

Scofield Ridge in the east runs south to Breakneck Mountain. Storm King Mountain stands across a narrow unseen Hudson to form the backdrop for the scene. To the west, the foreground is dominated by the WBNR towers.

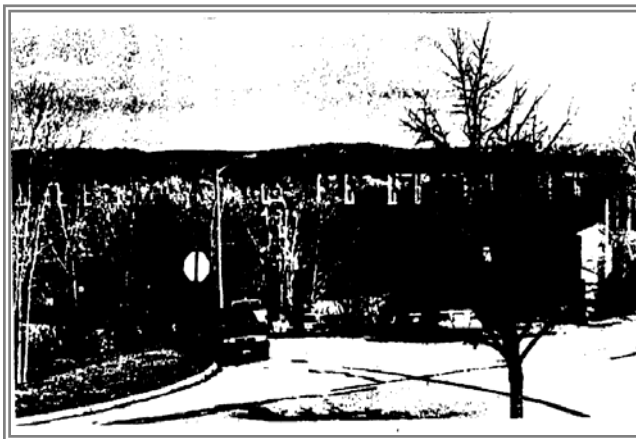


8 South Avenue 1/4 Mile West of Dennings Avenue

The view is to the west between houses. The foreground is residential backyards dominated by single family ranch houses. The middle ground is principally wooded to the river. The Hudson River and the City of Newburgh form a backdrop.

9 Paye Street

Paye Street has the only public view of the mouth of Fishkill Creek, a major fish and wildlife habitat, spawning and sport fishing area. The foreground is dominated by a railroad track running east to west and the Conrail line running north and south. Inside the track wedge lays a marsh. To the west, the southern end of Denning's Point Park. The background to the southwest is the Storm King Mountain in the center. Cornwall Bay and the fuel storage area form the coast line. The hills and woods of the town of Newburgh form the coast line. The hills and woods of the Town of Newburgh form the backdrop.



River Street and Beekman Street

The view from here is truly spectacular. Long Dock and the tracks are in the southwest foreground. The middle ground is the wooded shoreline leading into the heavily wooded Denning's Point with Polipel Island in the south. The background is a wall formed by Breakneck and Storm King Mountains. Long Dock and the tracks are in the foreground in the southwest. The middle ground is the Hudson River. The background is the waterfront center, City of

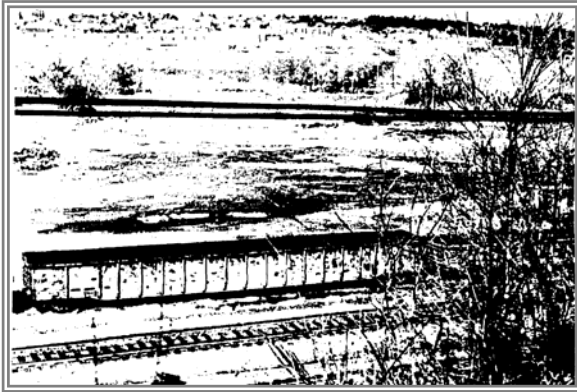
Newburgh, and hills beyond from Cornwall Bay to north of the Bridge.

**10 Southwest view from Wolcott Avenue
200' west of Bayview Avenue**

The view from the intersection of River and Beekman Streets is a panorama from the northwest to southwest. The foreground is dominated by the two-story Log office building to the southwest, the train station and River Front Park to the west and a new duplex development to the northwest. In the background is the Hudson River. In the southwest, the highlands frame the scene. To the west, is the City of

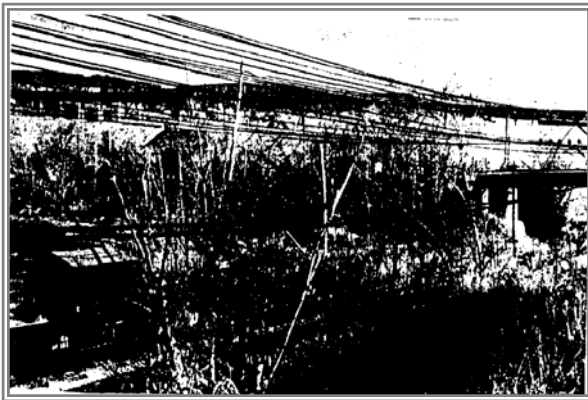


Newburgh dominated by the Library and Police Station complex on Broadway. To the northwest, the view is of the twin bridges of Interstate Route 84.



11 West view from Wolcott Avenue 2001 west of Bayview Avenue

The view to the west is of the Newburgh waterfront. The Hudson River makes up the middle ground. The view will be improved when Long Dock is cleaned- up. The hillside should be landscaped and planted with low-growing shrubs.



12 Northwest view from Wolcott Avenue 200' west of Bayview Avenue

The northwest view is dominated by the twin bridges of Interstate 84. The Hudson is in the middle ground. The foreground is of the north side of Long Dock, a section of which belongs to the City of Beacon. The view will be improved when Long Dock is cleaned up. The hillside should be landscaped and planted with low-growing shrubs.

Agricultural Lands Policy

POLICY 26

The state coastal policy regarding the conservation of agricultural lands is not applicable to Beacon.

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 slower 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 any 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 requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. 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 of Coastal Areas and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the City of Beacon, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State Law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) 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

The State requires that prior to undertaking actions required for ice management, an assessment be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats (as identified in the Coastal Area Maps), flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented. The proposed rebuilding of the ice breaks in the harbor will be subject to these requirements.

POLICY 29

The state coastal policy regarding the development of energy resources on the outer continental shelf is not applicable to Beacon.

Water and Air Resources Policies

POLICY 30

Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

POLICY 30A

The discharge of pollutants from the former Beacon landfill should be eliminated.

POLICY 30B

Discharges from the Beacon sewage treatment plant will meet state standards for secondary treatment.

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 municipal treatment systems before reaching the State's waterways. Local uses and planning must conform to State and national standards. This applies directly to discharges from the City's landfill and sewage treatment plant.

The City's former landfill has been capped according to State standards. Measures to monitor and contain the leachate from the landfill to prevent pollution of the groundwater and the river should be taken.

Effluent from the sewage treatment plant should meet State standards for secondary treatment. See Policy 8A regarding the discharge of pollutants into Fishkill Creek.

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 overburdened with contaminants will be recognized as being a development constraint.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Currently, the portion of Fishkill Creek within Beacon is classified as Class C. Waters of the Creek should be suitable for fishing and all other uses except as a source of water supply for drinking or food processing purposes and primary contact

recreation (swimming) Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

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

POLICY 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

POLICY 32A

Encourage the use of alternative or innovative sanitary waste systems at Riverfront Park, the harbor area at long dock and Denning's Point. Should long dock or any waterfront property be developed in the future, state of the art low flow fixtures and water saving devices should be required to reduce the demand for water and reduce the flow to the sewage treatment facilities. Developers, where practicable, should be required to follow the guidelines in the New York State municipal model water conservation plan.

Explanation of Policy

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

POLICY 33

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

POLICY 33A

Regulate construction in steeply sloped and high erosion areas to control excessive stormwater runoff.

Explanation of Policy

Best management practices have been defined by the New York Coastal Management Plan as including both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. High cost often prevents the replacement of combined sewer systems by separate sanitary and storm water collection systems. However, when possible financially, these actions should be pursued. Non structural methods, including stormwater runoff control through effective construction methods and the reduced use of road salt, should be used with or without structural methods.

In addition to those practices mentioned above, development on steep slopes (gradient in excess of 25 %) is regulated and clustering will be mandated in specific areas as two additional methods of controlling erosion and stormwater runoff.

POLICY 34

Discharge of waste materials from vessels into coastal waters will be limited so as to protect coastal significant fish and wildlife habitats, recreational areas and water supply areas.

POLICY 34A

New marinas will be required to provide pumpout facilities.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into New York's waters is regulated by the State. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

Water-dependent uses should provide measures to reduce the probability of contamination of waters from fuel transfers, oil and grease from bilge pumpout, hydro-carbon emissions and exhaust gases and minimize impacts from anti-fouling paints. Approved spill plans must be in place prior to marina operation. Marinas should also be designed to minimize negative impacts on water quality and tidal circulation and flushing rates.

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.

POLICY 35A

Dredging shall not occur during fish spawning season and will not be carried out without a U.S. Army corps of engineers section 10 and/or 404 permit, and/or DEC part 608 and 663 permits.

POLICY 35B

Spoils should not be deposited in wetlands or significant fish and wildlife habitats as identified in the LWRP inventory.

POLICY 35D

Groundwater contamination shall be avoided.

POLICY 35E

Spoils site design will incorporate considerations for natural features, viewsheds, and shall, where feasible, conform to existing land form.

POLICY 35F

No deposition shall occur without testing of sample soils for toxicity.

POLICY 35G

Toxic or hazardous dredge spoils shall not be deposited within the waterfront boundary. The potential of worked out mines as dredge spoil sites will be investigated.

Explanation of Policy

Dredging is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. In Beacon, dredging will be essential if the use and revitalization of the harbor is to be possible. 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 and proper siting of the dredge spoil disposal site. 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 policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 24, 15, 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

See Policy 39 for a definition of hazardous wastes.

POLICY 37

Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters.

Explanation of Policy

Best management practices which can be used to reduce nonpoint discharges in Beacon include, but are not limited to, soil erosion control practices and surface drainage control techniques including reduction in the use of road salts. A major method will be the regulation of development on steep slopes and areas with highly erodible soils.

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

Beacon's water supply comes from surface and ground water sources. Actions which will have an effect on the water supply sources must be reviewed in terms of their impacts on these sources. See policy 30A, relating to the discharge of pollutants from the former Beacon landfill area.

POLICY 39

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.

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 sludge 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 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 which improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes 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.

Policy 30 and 30A refer to the discharge of pollutants from the former City landfill. In addition, the current practice of dumping large objects and trash at the former City incinerator should be halted, and new methods of disposal investigated.

POLICY 40

Effluent discharged from major steam electric generating and industrial facilities into 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 shall "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters." The effects of thermal discharges on water quality and aquatic organisms will be considered by the siting board when evaluating an applicant's request to construct a new steam electric generating facility.

POLICY 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Explanation of Policy

Local planning standards must conform to National and State Air Quality Standards. 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 Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

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

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 this Local Waterfront Revitalization Program 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 Waterfront Revitalization 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.

POLICY 44A

Preserve and protect the Fishkill Creek marsh to maintain its many intrinsic values.

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act.

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

- habitat for wildlife and fish, including a substantial portion of the State's commercial fish and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;

- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

The marsh at the mouth of Fishkill Creek is a Class I Wetland (WT-I), as designated by the New York State Department of Environmental Conservation.

See Section II and Appendix A for a description of the marsh. Cross Reference Policy 7.