

**SECTION III**  
**WATERFRONT REVITALIZATION POLICIES**

## **DEVELOPMENT POLICIES**

- POLICY 1** RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.
- POLICY 1A** REVITALIZE AND REDEVELOP HIGHLAND LANDING WITH APPROPRIATE WATER-DEPENDENT OR ENHANCED USES.
- POLICY 1B** REVITALIZE AND REDEVELOP THE AREA SURROUNDING THE FORMER COLUMBIA BOATHOUSE AS A POTENTIAL SITE FOR ACCESS TO AND FROM THE RIVER.
- POLICY 1C** IDENTIFY AND PROMOTE A HIGHLAND "WATERFRONT" TO INCREASE AWARENESS AND ENJOYMENT OF THE RIVER BY BOTH RESIDENTS AND VISITORS TO THE TOWN.
- POLICY 1D** ENSURE THE MAXIMUM BENEFIT FROM A NEW HUDSON RIVER BRIDGE WITH A TERMINUS IN THE TOWN OF LLOYD BY COORDINATING THIS ACTION AND THE ASSESSMENT AND MITIGATION OF ITS IMPACTS WITH EFFORTS TO REVITALIZE THE HIGHLAND WATERFRONT AND IMPROVE PUBLIC ACCESS TO THE RIVER.

## **EXPLANATION OF POLICIES**

The Town of Lloyd's waterfront is characterized by severe limitations, both natural and constructed, upon physical access to the waters of the Hudson River. Due to the limited amount of land with direct access to and from the River, opportunities are constrained for water-dependent commercial, industrial, cultural, recreational, or other compatible uses. Land area is also limited to provide parking for any of these users. Much of the local water-dependent economy was eliminated by the construction of the railroad line which parallels the River and permits only limited at-grade access to the small area of land between the tracks and the water's edge.

The area which is accessible and appropriately zoned becomes, therefore, that much more important in terms of its continued use and future development in accordance with the policies of this LWRP. The area around Highland Landing requires substantial attention in order to achieve the revitalization of its former cultural, commercial, and recreational use. Existing parking for Mariner's Harbor is adequate, but is hazardous since part of it is accessed via railroad crossings. Since much of the parking is to the west of the tracks it is not visible from the Hudson River, thus it does not detract significantly from the visual appeal of the shoreline. Screening would limit traffic sight distance, thus increasing the hazard of the use of the parking

area. Possible uses are severely limited, but might include private recreation or commerce with public access provided, a public boating access facility, or a small waterfront park. This would include purchase of available vacant properties or obtaining an access easement from current owners.

The former Columbia Boathouse is in private ownership. It may also hold the same promise for revitalization, although its access from land is still highly problematic and must be addressed as part of any restoration effort. The steep slopes of the ravine leading down to Highland Landing also effectively distance the area from Route 9W, the main thoroughfare of the Town, and the hamlet of Highland. Better identification of the Waterfront Area and its attractions would be a crucial part of its development. Highest priority should be given to those actions which are also in accordance with policies regarding public access and recreation at the waterfront (see Policies 2, 19, 20, 21, and 22) and policies regarding protection of scenic resources (Policies 24 and 25).

The following guidelines will be used to determine the suitability of a proposed action and its impact upon the waterfront:

1. Priority should be given to uses which are dependent on a location adjacent to the water;
2. The action should enhance existing and anticipated uses;
3. The action should serve as a catalyst to private investment in the area;
4. The action should improve the deteriorated condition of a site and at a minimum must not cause further deterioration;
5. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
6. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;
7. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner;
8. The action should have the potential to improve the opportunities for multiple uses of the site.

**POLICY 2**

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

**EXPLANATION OF POLICY**

The natural topography of the Town of Lloyd's waterfront, combined with the barrier created by the railroad tracks, offer extremely limited opportunities for water-dependent uses and facilities. Existing uses such as Mariner's Harbor Restaurant and Marina and the oil depot also limit area available for development of other facilities. Maximum benefit must be obtained from the few sites suitable for water-dependent activity and preferences must be established for choosing those water-dependent activities. These must be appropriate for the future of the waterfront as outlined by these policies. The traditional method of land allocation, the real estate market, even when combined with local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the River or will be compatible with the other goals expressed for the revitalization of the Town's waterfront.

The following uses and facilities are identified as water-dependent and potentially appropriate for the Town of Lloyd's waterfront:

1. Existing water-dependent uses include a commercial marina (which includes a restaurant) and oil storage tanks. Due to the limited area between the shoreline, the railroad, and the bluff, as well as the high scenic qualities of the waterfront area, further expansion of generally obtrusive uses such as oil storage tanks must be limited to their existing location.
2. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mariculture activities)
3. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing)
4. Uses involved in the sea/land transfer of goods (for example, docks, loading areas, pipelines and storage facilities)
5. Flood and erosion protection structures (for example: breakwaters, bulkheads)
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair)
7. Scientific/educational activities, which, by their nature, require access to coastal waters
8. Residential uses, including those which are water-enhanced shall not be encouraged to locate along the actual riverfront

9. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use, they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use 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. Priority should be given to water-enhanced or water-dependent uses which more directly complement the other goals for the Waterfront Area as expressed in this LWRP, such as public pedestrian, fishing, and boating access or commercial uses which are affordable to a broad range of residents. Such water-enhanced activities must be in accordance with local policies regarding scenic resources (Policy 25) and erosion (Policies 14-17). Such uses are particularly appropriate for the area to the west of the railroad tracks which is within sight of the River, and could benefit from that location, but cannot make use of direct access to the water.

**POLICY 3                    THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO THE TOWN OF LLOYD.**

**POLICY 4                    THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBOR AREAS IS NOT APPLICABLE TO THE TOWN OF LLOYD.**

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

#### **EXPLANATION OF POLICY**

Development, particularly large-scale development, in the Waterfront Area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, and where topography, geology, and other environmental conditions are suitable for and able to accommodate development. The Highland hamlet area, which is located just outside the boundary of the Waterfront Area, is of particular concern in this regard, as it is an area of concentrated development and the traditional Central Business District of the Town. The hamlet and

immediate outskirts provide public water and sewer to residents in this area. As development proceeds along the Route 9w corridor, the Town is interested in ensuring the continued revitalization of the hamlet area.

This policy is intended to accomplish the following:

1. Strengthen existing residential, industrial, and commercial centers, such as Highland Landing and the Hamlet area;
2. Foster an orderly pattern of growth where outward expansion is occurring;
3. Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
4. Preserve open space in sufficient amounts.

This policy is reinforced by the existing zoning which addresses development constraints and location of existing concentrated development areas in its allocation of various residential diversities and location of commercial activity in more highly developed areas.

Objective No. 4 is of particular importance in the Waterfront Area due to the probable impact of possible major expansions in three critical public services. The Town is currently considering possible expansions of the Highland Water and Sewer Districts along the Route 9W corridor beyond the Hamlet of Highland and is alert to the possibility of a new bridge to cross the Hudson River and provide greatly increased vehicular access to the Town. This local policy will be further refined once the planning implications of these three possibilities become clear. Pressure for increased residential development between the River and Route 9W or along Route 44/55 and the Highland area in areas serviced by public water and sewer should also take into consideration Policies 12, 17, 19, 22, 25 and 26, regarding preservation of the bluff lines, scenic vistas and agriculture land uses, and provision of public access and recreation opportunities. It is unlikely that public water and sewer would be provided very far east of Route 9W, since these areas are likely to be more sparsely developed according to existing and proposed residential land uses.

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

**POLICY 6A                DEVELOP PERFORMANCE STANDARDS TO CLEARLY ARTICULATE REQUIREMENTS FOR DEVELOPMENT WITHIN THE WATERFRONT AREA AND ALONG THE BLUFFS.**

## EXPLANATION OF POLICY

For specific types of development activities, and in areas suitable for such development, State, federal, and Town agencies 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. It is especially necessary to clearly articulate such requirements for development for sites along the upland area of the bluffs. 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.

## **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.**

**POLICY 7A                PROTECT AND PRESERVE THE VIABILITY OF THE POUGHKEEPSIE DEEP WATER HABITAT AND THE SHORTNOSE STURGEON, WHICH IS CONSIDERED AN ENDANGERED SPECIES.**

**POLICY 7B                PROTECT, PRESERVE AND ENHANCE THE WOODED BLUFFS OF THE HUDSON RIVER SHORE, WHICH IS HABITAT TO THE BALD EAGLE (ENDANGERED SPECIES), THE OSPREY (THREATENED), AND PEREGRINE FALCON, AS WELL AS MANY OTHER BIRD SPECIES.**

## EXPLANATION OF POLICY

Activities that would affect the water quality, temperature, turbidity, or freshwater to saline distribution may adversely impact the estuarine community of the Poughkeepsie Deepwater Habitat. This area may be especially sensitive to discharges of municipal or industrial wastewater, sewage effluent, and agricultural runoff. Major reduction in overall depth along this deepwater trench may also have adverse effects on the endangered shortnose sturgeon utilizing the area. Of particular concern is a past practice of using portions of the deepwater trench as a dredge spoil dumping site.

Activities such as this should be controlled to avoid interference with the use of the area by shortnose sturgeon. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly 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.

The Poughkeepsie Deep Water Habitat has been designated by the NYS Department of State as a significant coastal fish and wildlife habitat. It is the only ecosystem of this type in New York State and provides the major wintering habitat of the "endangered" shortnose sturgeon.

In order to preserve this significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of this habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living, space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

When a proposed action is likely to alter any of the biological, physical or chemical parameters, as described in the Inventory and Analysis Section, beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with this policy.

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



**POLICY 8A            PROTECT FISH AND WILDLIFE RESOURCES IN THE WATERFRONT AREA FROM ANY POSSIBLE HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH MAY BE PRESENT ANYWHERE WITHIN THE WATERFRONT AREA, INCLUDING THE COSTANTINO LANDFILL.**

**EXPLANATION OF POLICY**

The handling (storage, transport, treatment and disposal) of the materials generally characterized as being flammable, corrosive, reactive, or toxic included and defined in Environmental Conservation Law [527-0901(3)] are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. This is very significant since the Town of Lloyd's Highland Water Treatment Plant is located on the Hudson River. There is a potential threat to the water intake and treatment plant by oil spills in general, as well as potential spills from the existing oil tanks at Mariner's Harbour Marina. (See Policy 34)

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. Enforcement of these regulations are of particular concern in the operation of the petroleum storage facility near Mariner's Harbor. The possible presence of either hazardous wastes or other pollutants at the Costantino landfill is also of concern in this regard (see description of status of this inactive hazardous waste site in Section II). Policies 38 and 39 also relate to protection of wildlife resources.

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

**POLICY 9A           ENSURE CONTINUED PUBLIC ACCESS TO THE RIVER AND THE POSSIBILITY FOR RECREATIONAL FISHING, ESPECIALLY AT THE MARINER'S HARBOR SITE.**

**POLICY 9B           ENCOURAGE THE PASSIVE RECREATIONAL ENJOYMENT OF THE WILDLIFE, ESPECIALLY BIRDS, PRESENT ALONG THE BLUFF AREA.**

## EXPLANATION OF POLICIES

The wooded bluffs of the Hudson River are known to host a wide variety of wildlife, including several important bird species such as the endangered bald eagle and peregrine, and the threatened osprey, as well as migrating birds such as the redtail hawk. The bluffs provide habitat and den sites for several species of snakes, including copperheads (poisonous), black racers and others. The waterfront area also includes locations designated and mapped by the NYS Department of Environmental Conservation as significant habitats for overwintering deer populations.

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 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. See Policies 20 and 21 for additional explanations of the Town's approach to access to the Hudson River and recreational possibilities for the bluff area.

The following additional guidelines should be considered to determine the consistency of a proposed action with the above policy:

1. Consideration should be made 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 over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using 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 for the Poughkeepsie Deepwater Habitat (see Policy 7) and/or conferring with a trained fish and wildlife biologist.

**POLICY 10**

**FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (I) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING, ON-SHORE COMMERCIAL FISHING FACILITIES; (II) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (III) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

**POLICY 10A**

**ENCOURAGE THE DEVELOPMENT OF COMMERCIAL SHAD FISHING AND OF OTHER SPECIES, AND COORDINATE SUCH EFFORTS WITH THE DEVELOPMENT OF REGIONAL FISHING INTERESTS.**

**EXPLANATION OF POLICY**

Commercial fishing of shad and other fish species was once a vital industry in the Town of Lloyd. Now, only a few local fishermen operate during the annual shad run and the netting of other species for commercial sale is limited by law mainly because of the presence of PCBs in the river. Efforts to clean up the river have been underway for several years and there may be opportunities for renewed commercial fishing activity. Commercial fishery development activities must occur within the context of sound fishery management principals, developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Council.

**FLOODING AND EROSION 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**

Steep slope areas along the bluff line are very susceptible to erosion in the Waterfront Area. Steps which can be taken to minimize soil erosion, include restricting development from steep slope and bluff areas, minimizing grading of hillsides, and preserving as much natural vegetation as possible on bluffs and steep slopes.

Flood hazard areas are limited within the Town of Lloyd as a result of the steep bluffs which separate all but a small amount of land from the waters of the Hudson River. Continuing maintenance of the railroad tracks and the right-of-way owned by Conrail is important along the length of the entire Lloyd coastline, as much of this is constructed on the filled land and within the floodway of the river. This policy is particularly important with regard to the two areas of developed land between the railroad tracks and the river, at the site of Mariner's Harbor and at the former Columbia Boat House. Any future commercial or recreational development at these sites must take this policy into consideration.

All development within flood hazard areas (100-year floodplains) is subject to a development permit and standards outlined in the Town of Lloyd Code, Section 60, entitled Flood Damage Prevention. Standards in Section 60-15 require elevation of structure, at or above flood elevation, structures that will equalize hydrostatic flood forces, and provision of openings for release of floodwaters. The flood hazard area is defined in the Flood Insurance Study done for the Town.

**POLICY 12                    ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.**

#### EXPLANATION OF POLICY

The bluff which runs the entire length of the Town of Lloyd coastline is an important natural protective feature which separates the upland area from the Hudson River and also provides the most striking visual characteristic of the Waterfront Area (see Policies 17 and 25). Protection of the bluff line from erosion is important not only with regard to residential development along the bluff, but also that at the foot of the bluffs. Residences along Oaks Road have suffered from damage from falling earth and rocks resulting from ill planned development along the bluff line. Erosion along the bluff line can also present a danger for the maintenance of safety along the railroad tracks.

Bluffs and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, excessive removal of vegetation or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. The Town of Lloyd uses and will continue to use the New York Guidelines for Urban Erosion and Sediment Control for suggested erosion and siltation control measures. Activities or

development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized, by the following measures:

1. Limit removal of vegetation, clearing, grading and general ground disturbance to a minimum.
2. Use limited grading and appropriate drainage improvements to retain and control runoff.
3. Limit impervious surface coverage to prevent increases in stormwater runoff.
4. Locate structures and improvements to eliminate the need for blasting of bedrock.

All development within the flood hazard area is subject to a development permit and standards outlined in the Town of Lloyd Code, Section 60, entitled Flood Damage Prevention. Standards in Section 60-15 require elevation of structures, at or above flood elevation, structures that will equalize hydrostatic flood forces, and provision of openings for release of floodwaters. The flood hazard area is defined in the Flood Insurance Study done for the Town.

**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.**

**POLICY 13A        MAINTAIN THE BULKHEADS ALONG THE HUDSON RIVER IN GOOD CONDITION AND REQUIRE PRIVATE LANDOWNERS AND THE CONRAIL CORPORATION TO RESTORE AND MAINTAIN EROSION CONTROL MECHANISMS ALONG THEIR RIVER FRONTAGE WHICH ARE DESIGNED FOR LONG TERM STABILITY.**

**EXPLANATION OF POLICY**

It is not anticipated at this time that any additional measures other than those already in place will be necessary to maintain the filled land on which Conrail operates its trains. Should such additional measures be undertaken, they should be held to the thirty year performance standard. This policy is also applicable to any bulkhead placement or repairs at either the Mariner's Harbor site or the former Columbia Boathouse site. Efforts to prevent erosion along the bluff line should be non-structural wherever possible (see Policy 17), but when constructed erosion control measures are necessary for permitted development along the bluffs, they should be consistent with this policy, as well as those regarding protection of the visual aspect of the bluffs.

**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.**

**POLICY 14A        CONSTRUCTION ACTIVITIES, OF ANY KIND, SHOULD NOT CAUSE A MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR AT OTHER LOCATIONS.**

**EXPLANATION OF POLICY**

Erosion and flooding are processes which occur naturally. However, by their actions, people can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands, and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas. This policy applies not only to construction of erosion protection structures, but to development and construction of any kind that could have a potential effect on erosion or flooding.

Development along the bluff line and its steep slopes or the steep slopes of the two deep gullies which permit access to the river at Highland Landing can present a significant erosion hazard unless proper erosion control measures are implemented. Erosion control guidelines might include limitation of development on steep slopes or at a specific setback from the top of the bluff, adherence to standards of NY Guidelines for Urban Erosion and Sediment Control, minimize land disturbance and removal of vegetation, and appropriate stormwater drainage control.

Policies 13, 14, 17, and 25 together are the basis of a comprehensive approach to preservation of the bluffs. Further development of the Mariner's Harbor or former Columbia Boathouse sites would be subject to NYSDEC and U.S. Army Corps of Engineers review and permits which would address this concern.

All development within the 100-year floodplain is subject to a development permit and standards outlined in the Town of Lloyd Code, Section 60, entitled Flood Damage Prevention. Standards in Section 10-15 of the code require elevation of structure, at or above flood elevation, structures that will equalize hydrostatic flood forces, and provision of openings for release of floodwaters. The flood hazard area is defined in the Flood Insurance Study done for the Town.

**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**

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore water which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Although the Town of Lloyd coastline has few areas where beach materials accumulate, most of the immediate shoreline being filled land created for the railroad right-of-way, the Town maintains an interest in the actions which occur in its water which may affect the accumulation of such materials in communities north and south of it.

**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 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. It is assumed that the decisions regarding the expenditure of public funds will be prudent and cost effective, not only with regards to erosion protection measures, but for development within the Waterfront Area in general. 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 areas 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 expanding 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: (I) THE SET BACK OF BUILDINGS AND STRUCTURES; (II) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (III) THE RESHAPING OF BLUFFS ; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

**POLICY 17A**                    **WHENEVER POSSIBLE, EFFORTS TO CONTROL EROSION ALONG THE BLUFF LINE AND THE STEEP SLOPES RISING FROM THE HUDSON RIVER SHALL BE OF A NON-STRUCTURAL NATURE IN CONSIDERATION OF THE VISUAL IMPACT OF STRUCTURAL MEASURES. THE RETENTION OR PLANTING OF VEGETATIVE COVERS IS PREFERRED TO STRUCTURAL MEASURES.**

**EXPLANATION OF POLICY**

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible. Such non-structural measures should also be in accordance with the policies on the aesthetic value of the bluff area (see Policy 25). In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development of the site and of the alternative protection measures should be prepared to allow an assessment to be made. Such non-structural measures can be found in the NY Guidelines for Urban Erosion and Sediment Control. See also Policies 13 and 14.

**GENERAL DEVELOPMENT 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 RESOURCE AREAS.**



**POLICY 18A            SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE TOWN OF LLOYD AND ITS CITIZENS IN THE EVALUATION OF ANY PROPOSAL FOR AN ADDITIONAL HUDSON RIVER CROSSING - EITHER A NEW BRIDGE OR SECOND DECK - WHICH WOULD IMPACT THE TOWN.**

**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, and recreation.

New bridge capacity at the Poughkeepsie to Lloyd crossing will induce development pressure generally in the Town of Lloyd, particularly in Highland, and along the Route 9W and uplands corridor. Development will create impacts of increased traffic, noise, service needs, development of visually significant and environmentally sensitive lands and open space, and a general change in the character of the community. These issues should be considered in review of the proposal for new bridge capacity. Zoning density and design criteria for development in the uplands and bluff area will serve to protect this area from dense and environmentally and aesthetically insensitive development.

**PUBLIC ACCESS POLICIES**

**POLICY 19            PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**

**POLICY 19A            INCREASE THE ACCESS TO, AND ENJOYMENT OF, THE WALKWAYS OF THE MID-HUDSON BRIDGE AND REVITALIZE JOHNSON IORIO MEMORIAL PARK BY ADDRESSING THE COMMUNITIES' CONCERN REGARDING PUBLIC SAFETY AND VANDALISM AT THESE SITES.**

**POLICY 19B            ENSURE THAT ALL POSSIBILITIES FOR INCREASED ACCESS BOTH PHYSICAL AND VISUAL, TO PUBLICLY OWNED LAND AND TO THE RIVER ITSELF ARE CONSIDERED AND EVALUATED DURING THE PLANNING AND CONSTRUCTION OF A SECOND HUDSON RIVER BRIDGE WITH A TERMINUS IN THE TOWN OF LLOYD.**

**EXPLANATION OF POLICY**

Policy 1 also generally reinforces the above policies pertaining to existing waterfront development.

The natural geography of the Town of Lloyd's coastline combined with the construction of the railroad limited the possibilities for the development of publicly owned water-related recreation facilities. The few publicly owned sites within the Waterfront Area are almost exclusively associated with the provision of a municipal services i.e. water, sewer, transportation and offer no actual physical access to the Hudson River for recreational purposes of any kind.

These sites include the Town's Water and Sewer Treatment Plants, both of which are located to the west of the railroad tracks in Highland Landing. Neither site allows physical access to the water or has much extra land associated with it for mixed use. The possibility of increasing public access to the water treatment plant lands, conditioned on the removal of two large storage tanks, should be investigated in order to provide the community with recreational lands that have visual access to the river.

When any private land becomes available, through sale, removal of structures or through Site Plan Application, the Town should use the opportunity to explore the possibilities to purchase land for increased access opportunities. As new access opportunities are developed, particular attention will be given to the need for adequate parking.

The effort to increase access from Johnson-Iorio Park to the pedestrian walkways of the Mid-Hudson Bridge should be coordinated with the NYS Bridge Authority, the Town of Lloyd Police Department, and the City of Poughkeepsie.

The lands held by the NYS Bridge Authority associated with the Mid-Hudson Bridge are considered publicly-owned, but do not currently permit physical access to the river and only limited visual access. Pedestrian access to the bridge is discouraged by the lack of proper sidewalks along the bridge approach. Access to the sidewalks on the bridge itself from Johnson Iorio Memorial Park has been cut off by the erection of chain link fences between the bridge and park to cut down on the incidence of vandalism at the park:

Johnson Iorio Memorial Park is the one publicly owned site specifically designed for passive recreational use. However, its enjoyment has been severely limited by its reputation as a

difficult environment after dark. Visual access to the river is reduced by the growth of vegetation which has been allowed to flourish in order to protect the houses below from objects falling or thrown from the park's edge. Concerns regarding public safety at the park and the role of pedestrian access from the bridge in the incidence of vandalism must be addressed in order to effectively increase public enjoyment of the bridge or the park. These concerns should also be addressed in. Coordination with the City of Poughkeepsie, which does permit pedestrian access to the Bridge from the east end.

As the only Town-owned recreation site oriented towards enjoyment of the Hudson River, Johnson Iorio Memorial Park's future development is crucial to the Town's efforts to increase public enjoyment of the River. The loss or diminution of this park as a result of actions of the Bridge Authority with regard to the operation or expansion of the existing bridge or construction of a second bridge, would eliminate a significant asset of the Town's Waterfront Area and could not be sustained in light of the goals of this LWRP without very serious consideration of other opportunities or mitigating measures.

These policies call 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 particular water-related recreation resources and facilities which will receive priority for improved access are boating facilities, fishing areas and waterfront parks. The Coastal Management Program and this LWRP encourage mixed use areas and multiple use of facilities to improve access.

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 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.

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

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.

- c. Public land or facilities - land or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access includes, but is not limited to, the following:
  - (1) The number of parking spaces at a public water- related recreation resource or facility is significantly reduced.
  - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting 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 public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or 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 transfer of public lands that could provide public access to a public water-related recreation resource or facility.
  - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
  - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State and Town will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State and Town 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; outside the defined urban area boundary and not served by public transportation.

**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**                    **IMPROVE ACCESS ACROSS THE RAILROAD TRACKS OWNED BY CONRAIL TO THE RIVER AND THE WATER'S EDGE AND TO THE AREAS EAST OF THE TRACKS AT HIGHLAND LANDING AND THE FORMER COLUMBIA BOATHOUSE.**

**POLICY 20B**                    **LANDS UNDER THE WATERS OF THE HUDSON RIVER CURRENTLY UNDER PUBLIC OWNERSHIP AND ADJACENT TO THE PUBLICLY OWNED FORESHORE OR THE WATER'S EDGE SHOULD REMAIN IN PUBLIC OWNERSHIP.**

## EXPLANATION OF POLICY

In coastal areas such as the Town of Lloyd where there are little or no recreation facilities providing specific water-related recreational activities (see Explanation of Local Policy 19, above), 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 along the River or to a vantage point from which to view the River. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, fishing and hunting.

For such 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 waterfront; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

The railroad tracks and right-of-way owned and policed by Conrail are crucial in determining access to the publicly owned foreshore. At this time, there exist only two legal at-grade, signalized crossings of these tracks, both of them on Oaks Road in the vicinity of Mariner's Harbor and the petroleum storage facility. Residents along Oaks Road obviously make use of informal, un signaled crossings for their own personal enjoyment of the river, as evidenced by the numerous private moorings along the water's edge. An at-grade crossing once existed at the site of the former Columbia Boathouse, but has been abandoned. An examination of these crossings, and the possibility of improving or expanding them, will be crucial to any increased access to the Hudson River for any of the water-dependent purposes, recreational or commercial, identified in this Program. The goals of increased public access across the railroad tracks must also be considered in light of safety concerns relative to the operation of the railroad.

Enjoyment of the river from west of the railroad tracks, along Oaks Road, is problematic as little space exists between the railroad right-of-way and the actual road. However, visual access is excellent from the road and residences backing up to the bluffs, and possibilities may exist for increased passive recreation in this area.

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 water be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

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

- a. (See definitions under Policy 19 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 private development.
  - c. An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
    - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public 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.
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 within public coastal lands or waters shall not be reduced or eliminated.

- (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 State and Town 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 and Town 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 and 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. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.



## **RECREATION POLICIES**

- POLICY 21** WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATIONAL 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** CONTINUED ACCESS TO, AND USE OF, THE LAND EAST OF THE RAILROAD TRACK AT HIGHLAND LANDING AND AT THE FORMER COLUMBIA BOATHOUSE FOR WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE FACILITATED AND GIVEN HIGHEST PRIORITY OVER ANY NON-WATER-DEPENDENT USES, OR WATER-ENHANCED USES SUCH AS RESIDENTIAL DEVELOPMENT, WHICH WOULD LIMIT PUBLIC ACCESS TO AND ENJOYMENT OF THE RIVER.
- POLICY 21B** INCREASE THE PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES OF THE TOWN THROUGH THE ACQUISITION OF LAND OR EASEMENTS FOR THIS SPECIFIC PURPOSE. DURING THE REVIEW OF DEVELOPMENT OCCURRING IN THE COASTAL ZONE, THE PROVISION OF PUBLIC ACCESS WILL BE ENCOURAGED. DEVELOPMENT OF A BLUFF TRAIL MAY BE POSSIBLE ON THE UPLANDS TO THE SOUTH OF THE BRIDGE.
- POLICY 21C** PASSIVE RECREATIONAL FACILITIES AND ACTIVITIES, SUCH AS PEDESTRIAN AND BICYCLE TRAILS, PICNIC AREAS, SCENIC OVERLOOKS, AND BIRDWATCHING WHICH ARE WATER-ENHANCED, SHALL BE ENCOURAGED ALONG THE BLUFF LINE AND IMMEDIATE UPLAND AREAS. MIXED-USE AND MULTI-USE DEVELOPMENT SHALL BE ENCOURAGED IN ORDER TO BALANCE PUBLIC RECREATIONAL NEEDS WITH RESIDENTIAL DEVELOPMENT WHICH ARE CONSIDERED WATER-ENHANCED.

## EXPLANATION OF POLICY

These efforts are reinforced by policy 9, and are guided by the development standards contained in Policies 14, 17, 25 and 37.

Improvement to Johnson Iorio Memorial Park is discussed in Policy 19A and would provide for increased use of the park which offers views of the Hudson River, the eastern shore, the bridge and some views of the bluffs in Lloyd. Needed improvements include general cleanup, installment of trash receptacles, repair and maintenance of landscaping, fencing, monumentation, installation of lighting, and signage regarding park rules.

As developments are proposed to the south of the bridge on currently vacant upland properties, the Town can negotiate with developers for dedications of land or easements or rights-of-way for development of a trail which would have visual access to the river.

The Columbia Boathouse, the Blue Point area, and Crum Elbow are all areas which appear from topographic maps to provide some land area at the lower shoreline east of the railroad tracks, as well as upland visual access. These are currently privately owned lands with either existing private homes or facilities, or are vacant. The Town may be able to negotiate with owners for partial public use and access as these lands become the subject of development.

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 increases 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. Such passive recreation opportunities are especially important in a waterfront area like the Town's with severely restricted physical access to the actual water's edge, and should be viewed as high priority goals among others in this program.

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

Priority areas for increasing water-related recreation opportunities are those where access to the can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by the railroad, particularly at the sites occupied by Mariner's Harbor, the petroleum storage facility, and the former Columbia Boathouse. The Department of State, working with the Office of Parks, Recreation and Historic Preservation and the Town, 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 developments, such as a second bridge crossing in the Mid-Hudson River area, in a manner which would result in a barrier to the recreational use of a major portion of the Town's shore should be avoided as much as practicable. The planning and design process for such development should also include an analysis of both water-dependent and water-enhanced recreational opportunities which may be developed as mitigating measures.

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

**POLICY 22A**           **THE FUTURE DEVELOPMENT OF THE FORMER COLUMBIA BOATHOUSE SITE SHALL PROVIDE FOR WATER-RELATED RECREATION AS EITHER A PRIMARY OR MULTIPLE USE.**

**POLICY 22B**           **DEVELOPMENT ALONG THE BLUFF LINE AND UPLAND AREA OF THE WATERFRONT AREA SHALL PROVIDE FOR MIXED OR MULTIPLE USES TO ALLOW FOR WATER-ENHANCED PASSIVE RECREATIONAL USES, SUCH AS WALKING, JOGGING, OR BIKE TRAILS, PICNIC AREAS AND SCENIC OVERLOOKS, WHICH INCREASE PUBLIC ACCESS AND VISUAL ENJOYMENT OF THE HUDSON RIVER.**

### 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 River's edge or along the bluff line and upland area, they should to the fullest extent permitted by existing law provide for some form of water-related recreational use unless there are compelling reasons why any form of such recreation would not be possible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as multiple use and would be appropriate for the areas specified in the local policies, include, but are not limited to: parks; highways; nature preserves; large residential developments; and commercial fishing or marina facilities.

Whenever a proposed development would be consistent with the Town of Lloyd's LWRP policies and the requirements of the Waterfront Business Zone, 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 be located at the former Columbia Boathouse site.

Such mixed or multiple use developments are of particular importance in the Town of Lloyd where physical access, both public and private, to the water's edge is so severely restricted and where the opportunities for water-dependent recreation are similarly limited. Visual access to, and enjoyment of, the river is therefore central to the recreational policies included in this LWRP, especially in the upland area and along the bluff line. At Highland Landing, some possibilities for the addition of passive, recreational uses may be possible at already developed sites such as the Highland Water Treatment Plant, which is slated to have two large water storage tanks removed, or along the railroad tracks and Oaks Road where cars often stop and young people congregate.

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

## **HISTORIC AND SCENIC RESOURCES POLICIES**

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

**POLICY 23A**        **PROTECT AND PRESERVE HISTORIC LAND USE PATTERNS WHICH CONTRIBUTE TO THE IDENTITY AND ATTRACTION OF THE HIGHLAND AREA AND ITS WATERFRONT.**

### **EXPLANATION OF POLICY**

Among the most valuable of the State's resources are those structures or areas which are of historic, archaeological, or cultural significance. These resources are not only structures or developed areas, but natural resources and areas of open space which contribute to the historic character and identity of an area or community. The balanced land uses which characterized an area like Lloyd and the land use patterns which have evolved form a cultural resource in themselves deserving of protection. Many factors, including the economic pressures which are creating development conditions which are diminishing the value of maintaining existing orchard land in agricultural use, are changing the historic land use patterns in Lloyd. In some cases, changes, such as the movement of the central business area upland after the advent of the

railroad and cessation of river traffic, or innovations in land use controls such as clustering, have been inevitable or beneficial. Increased development, both commercial and residential, brings with it advantages, as well as problems. Certain characteristic land use patterns, such as the Town's vineyards and orchards or low density development along the bluff line are key to the identity the Town of Lloyd has developed over the past several hundred years. Those characteristics especially relate to the Town's position as a waterfront community and the protection of this part of the Town's history is quite important. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites, but with areas of significance, and with the area around specific sites. The preservation of historic and cultural resources which have a relationship to the Hudson River and its development, such as the area around Highland Landing, are of particular importance.

As sites are determined to be of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation, all practical means shall be undertaken to protect these resources and prevent significant adverse changes. Significant adverse changes include, but are not limited to, alteration of significant architectural features, demolition or partial removal of a building or features, or actions within 500 feet of the property boundary of a significant resource or district which are incompatible with the objectives of its preservation.

The future of the Poughkeepsie Railroad Bridge, a designated National Landmark, is very problematic in light of this policy. The bridge has been identified as presenting a safety hazard as a result of a fire in July, 1986. Its reuse seems impractical and its restoration and preservation too difficult and expensive. The Town has an interest in any plans for reuse, demolition or replacement of the bridge for these reasons and will participate in the public discussion regarding any determinations of its future and assessments of the impacts upon the Waterfront Area and will be an involved agency under SEQR in any environmental review.

In the event the New York State Office of Parks, Recreation, and Historic Preservation determines that there are sites of archeological significance within the Town of Lloyd's waterfront area, then prior to any Type I or Unlisted Action (as defined by SEQR) which might affect these sites, adequate protective measures shall be devised which would prevent or mitigate adverse impacts to these resources.

**POLICY 24                    PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE:**

- (I)    THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND**
  
- (II)   THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.**

**POLICY 24A                PREVENT IMPAIRMENT OF THE ESOPUS/LLOYD AND ESTATES DISTRICT SCENIC AREAS OF STATEWIDE SIGNIFICANCE.**

**EXPLANATION OF POLICY**

The Town of Lloyd is included in the Esopus/Lloyd and Estates District Scenic Areas of Statewide Significance (SASS), as designated by the Secretary of State. The Esopus/Lloyd and Estates District SASS are of statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition. There exists in each SASS an unusual variety, as well as unity, of major components and striking contrasts between scenic elements. Each SASS is generally free of discordant features. The section of the Esopus/Lloyd SASS within the Town of Lloyd is included within the following subunits:

- EL-4                    Lloyd Bluffs**
- EL-5                    Highland Bluffs**
- EL-6                    Blue Point**

The section of the Estates District SASS within the Town of Lloyd is included within the following subunit:

- ED-27                The Franklin D. Roosevelt Home Subunit**

The scenic quality of these subunits and actions which could impair their quality are described in detail in Appendix A.

When considering a proposed action, agencies shall determine whether the action could affect the Esopus/Lloyd or Estates District SASS and, if so, whether the types of activities proposed would be likely to impair the quality of an identified resource. Impairment includes:

- (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and facility-related guidelines will be used to review proposed development, redevelopment, or re-use plans and should be included in the design of new projects to avoid impairment of scenic resources, recognizing that each development situation is unique and that guidelines will have to be applied accordingly. These guidelines are further specified in the impact assessments contained in the narratives of the SASS and each of its subunits.

1. Siting of structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
7. Using appropriate materials, in addition to vegetation, to screen unattractive elements; and

8. Using appropriate scales, forms, and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

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

**POLICY 25A           PROTECT, RESTORE AND ENHANCE THE SCENIC QUALITY OF THE WOODED BLUFFS AND UPLAND AREA OF THE TOWN'S ENTIRE WATERFRONT, ESPECIALLY THE AREA FROM THE MID-HUDSON BRIDGE SOUTH TO BLUE POINT.**

#### **EXPLANATION OF POLICY**

The Town of Lloyd's coastline is distinguished by the wooded bluffs which stretch the length of its 8.6 miles of coastline. Development along the bluff line has so far been limited to primarily single-family residences although there is one multi-family development perched on the steep slopes of the bluff near the Mid-Hudson Bridge. The area of Highland Landing and Oaks Road, which parallels the railroad tracks, is more intensely developed with a commercial marina, Mariner's Harbor, and a petroleum storage facility, but because of the low density and limited area it is still fairly picturesque when seen from the river or opposite shore. The beauty of Lloyd's coastline is frequently commented on and is of particular interest to the City of Poughkeepsie, whose own Waterfront Advisory Committee has held discussions on the scenic value of the Town of Lloyd's coastline to the Hudson River Valley (see Explanation of Policy 24) and has urged the Town to undertake steps to preserve the undeveloped appearance of the bluffs, especially south of the Mid-Hudson Bridge to Blue Point.

The following general criteria will be combined to determine significance of scenic landscapes, and other natural features:

**Quality** - The basic elements of design (i.e., two-dimensional line, three-dimensional form, texture and color) combine to create all high quality landscapes. The water, landforms, and man-made components of scenic coastal landscapes exhibit a variety of line, form, texture and color. This variety is not, however, so great as to be chaotic. Scenic coastal landscapes also exhibit a unity of components. This unity is not, however, so complete as to be monotonous. Example: the Thousand Islands where the mix of



water, land, vegetative and man-made components creates interesting variety, while the organization of these same components creates satisfying unity.

Often, high quality landscapes contain striking contrasts between lines, forms, textures, and colors. Example: A waterfall where horizontal and vertical lines and smooth and turbulent textures meet in dramatic juxtaposition..

Finally, high quality landscapes are generally free of discordant features, such structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.

**Uniqueness** - The uniqueness of high quality landscapes is determined by the frequency of occurrence of similar resources in a region of the State or beyond.

**Public Accessibility** - A scenic resource of significance must be visually and, where appropriate, physically accessible to the public.

**Public Recognition** - Widespread recognition of a scenic resource is not a characteristic intrinsic to the resource. It does, however, demonstrate people' s appreciation of the resource for its visual, as well as evocative, qualities. Public recognition serves to reinforce analytic conclusions about the significance of a resource.

When considering a proposed action, the Town and all other agencies must ensure that the action would be undertaken so as to protect, restore, or enhance the overall scenic quality of the Waterfront Area, especially the wooded bluffs and upland areas. Activities which could impair or further degrade scenic quality include modification of natural landforms, removal of vegetation, and construction of buildings whose scale or coloring is obtrusive and not compatible with existing structures.

The following general siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly:

- siting structures and other development such as highways, power lines, and signs back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- removing deteriorated and/or degrading elements;

- maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest; (however, changes should not increase erosion or adversely affect soil load-bearing ability)
- maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
- using appropriate materials, in addition to vegetation, to screen unattractive elements; and
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

## **AGRICULTURAL LANDS POLICY**

**POLICY 26**            **TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY, OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.**

### **EXPLANATION OF POLICY**

The Town of Lloyd and all of southern Ulster County is well known for its orchards and vineyards. Microclimate and soil conditions make the area's apple orchards among the most productive in New York. It is a small but significant industry with a long history in the Town of Lloyd. Unfortunately, it is currently suffering as a result of market pressures and foreign competition, especially from South America, which have depressed the price for apples. The significant development pressure, especially for multi-family residential development, which is being felt so strongly within the Town as the entire Mid-Hudson region is expanding, has also added to the pressures effecting the local apple growers.

Apple orchards are located throughout the Town, while the vineyards are concentrated at the Hudson Valley Winery in the southeastern corner of the Town in the upland area overlooking the river. The agricultural lands displayed on the State Coastal Area Maps are identified on Map No. 3 of the Inventory and Analysis and are categorized as either "active" or "inactive." However, the Town's Waterfront Area does not include all of those agricultural lands since it

has been revised to include all land to the east of Route 9W (see Map No. 2). Alternative land uses, mostly residential development, have already been proposed for the agricultural lands marked inactive. Most of the agricultural lands displayed on the State Coastal Area Maps have been incorporated into Agricultural Districts 19 and 20 (Ulster County). The placement of these lands within an agricultural district, while not enough to ensure their continued viability, helps by identifying lands to be considered under this policy. Other techniques which can be used to protect and encourage farming are tax relief incentives, agricultural zoning and the transfer or purchase of development rights.

The implementation of a policy which promotes the agricultural use of land must, to be practical, concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. The many other factors such as markets, taxes, and regulations, which influence the viability of agriculture in a given area, can only be addressed on a statewide or national basis. However, local land use controls and land use planning can help to mitigate some of the pressures leading to the loss of agricultural land or move to preserve the possibility and options for a return to farming at a later date. Clustering and leasing of open space for agricultural use might be one such land use policy. This policy requires a concern for the loss of any important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant effect on an agricultural area's ability to continue to exist, to prosper, and even to expand. A series of determinations are necessary to establish whether a public action is consistent with the conservation and protection of agricultural lands or whether it is likely to be harmful to the health of an agricultural area. In brief, these determinations are as follows:

First, it must be determined whether a proposed public action would result in the loss of important agricultural lands as mapped on the Coastal Area Maps. If it would not result, either directly or indirectly, in the loss of identified important agricultural lands, then the action is consistent with this policy. If it is determined that the action would result in a loss of identified important agricultural lands, but that loss would not have an adverse effect on the viability of agriculture in the surrounding area, then the action may also be consistent with this policy. However, in that case the action must be undertaken in a manner that would minimize the loss of important farmland. If the action is determined to result in a significant loss of important agricultural land, that is if the loss is to a degree sufficient to adversely affect surrounding agriculture's viability - its ability to continue to exist, to prosper, and even to expand - then the action is not consistent with this agriculture policy.

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

1. A public action would be likely to significantly impair the viability of an agricultural area in which identified important agricultural lands are located if:
  - a. the action would occur on identified important agricultural land and would:

- (1) consume more than 10% of the land of an active farms containing such identified important agricultural lands
  - (2) consume a total of 100 acres or more of identified important agricultural land, or
  - (3) divide an active farm with identified important agricultural land into two or more parts thus impeding efficient farm operation
- b. the action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of any identified important agricultural lands.
- c. the action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses.

Such conditions may be created by:

- (1) public water or sewer facilities to serve non-farm structures
  - (2) transportation improvements, except for maintenance of, and safety improvements to, existing facilities, that serve non-farm or non-farm related development
  - (3) major non-agribusiness commercial development adjacent to identified agricultural lands
  - (4) major public institutions
  - (5) residential uses other than farm dwellings
  - (6) any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land
2. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
- a. farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income

3A farm is defined as an area of at least 10 acres devoted to agricultural production as defined in the Agricultural District Law and from which agricultural products have yielded gross receipts of \$10,000 in the past year.

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

- iv. Use of new technology and the rates at which new technology is adopted;
  - v. competition from substitute products and other farming regions and trends in total demands for given products;
  - vi. patterns for farm ownership for their effect on farm efficiency and the likelihood that farms will remain in use.
- (4) The estimate of the social and cultural value of farming in the area should be based on an analysis of:
- i. the history of farming in the area;
  - ii. the length of time farms have remained in one family;
  - iii. the degree to which farmers in the area share a cultural or ethnic heritage;
  - iv. the extent to which products are sold and consumed locally;
  - v. the degree to which a specific crop(s) has become identified with a community.
- (5) An estimate of the environmental benefits of the affected agriculture should be based on analysis of:
- i. the extent to which the affected agriculture as currently practiced provides a habitat or food for wildlife;
  - ii. the extent to which a farm landscape adds to the visual quality of an area;
  - iii. any regional or local open space plans, and degree to which the open space contributes to air quality;
  - iv. the degree to which the affected agriculture does, or could, contribute to the establishment of a clear edge between rural and urban development.
4. Whenever a proposed action is determined to have an insignificant adverse effect on identified important agricultural land or whenever it is permitted to substantially hinder the achievement of the policy according to DOS regulations, Part 600, or as a result of

the findings of an EIS, then the required minimization should be undertaken in the following manner:

- a. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural, or, if it must be sited on identified important agricultural land, sited to avoid classes of agricultural land according to the following priority:
  - (1) prime farmland in orchards or vineyards
  - (2) unique farmland in orchard or vineyards
  - (3) other prime farmland in active farming
  - (4) farmland of Statewide importance in active farming
  - (5) active farmland identified as having high economic viability
  - (6) prime farmland not being farmed
  - (7) farmland of Statewide importance not being farmed
- b. To the extent practicable, agricultural use of identified important agricultural land not directly necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

## **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 require additional forecasts and establish 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, any 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 State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Town of Lloyd, 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 of 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 Town of Lloyd does not undertake any ice management practices within the Hudson River. Any clearing of the navigation channel of the River is performed by the U.S. Coast Guard. This policy would be of importance in the event that significant expansion of these activities was proposed which might adversely affect the Poughkeepsie Deepwater Habitat.

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats (as identified on the Waterfront 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.



**POLICY 29            THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO THE TOWN OF LLOYD.**

**WATER AND AIR RESOURCES POLICIES**

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

**EXPLANATION OF POLICY**

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and ground water, but also plant site runoff, leaching, spillages, sludge and other waste disposal, and other 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. All industrial and municipal discharges including stormwater from the Town's drainage system, go into the sewage treatment plant which conforms to standards established by New York State agencies such as the Department of Environmental Conservation and the Board of Health. Such "end of the pipe" discharges are monitored and regulated by the NYS Department of Environmental Conservation SPDES program (State Pollution Discharge Elimination System), as well as by federal law and the U.S. Environmental Protection Agency. However, local vigilance must be exercised to ensure that such State and federal regulations are adequately enforced. The Town will work cooperatively with State officials to this end and recommend more stringent standards when appropriate. Additionally, the Town's public water supply intake is from the Hudson River and must comply with County and State water quality standards. See also Policy 31.

**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

Policies 37 through 40 also address water quality.

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 the years for possible revision or amendment. The upgrading of Twaalfskill Creek and Black Creek from Class D to C should be investigated.

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

## EXPLANATION OF POLICY

The Town of Lloyd is currently conducting a study to analyze the capacity remaining at its municipal sewer treatment plant and the possible need for expansion of the plant or construction of a second treatment facility in order to accommodate the development pressure, especially that for multi-family residential developments, currently being experienced within or immediately surrounding the Highland Sewer District. Once the study is completed and the Town Board has decided on a course of action with regard to municipal sewer services, it would be appropriate for the Town to consider alternative or innovative sanitary waste system in regions of the Waterfront Area not served by the current or expanded Highland Sewer District. Refer to Policy 5 regarding location of development in areas with important municipal services.

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.**

## **EXPLANATION OF POLICY**

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. Appropriate stormwater drainage plans and erosion and siltation control plans will be required for development in the Waterfront Area during the Site Plan review process and will use recommended methods from the New York Guidelines for Urban Erosion and Sediment Control. The Town of Lloyd is in the process of implementing a Highland Drainage District. Stormwater runoff and inflow is a significant problem for the Highland Sewer District and may be addressed in the engineering recommendations to result from the Highland Sewer District Study. Land use regulations involving erosion and drainage in the vicinity of the several intermittent streams of the Waterfront Area are especially important for controlling the downstream impacts upon the River.

**POLICY 34            DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS  
FROM VESSELS WILL BE LIMITED SO AS TO PROTECT  
SIGNIFICANT FISH AND WILDLIFE HABITATS,  
RECREATIONAL AREAS AND WATER SUPPLY AREAS.**

## **EXPLANATION OF POLICY**

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's water is regulated. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657). The close proximity of the River intake of the Highland Water Treatment Facility to the private marina at Mariner's Harbor and that site's potential for expansion for either commercial or recreational boating dictates that development at that site must include proper controls to ensure that discharge of waste materials which could adversely effect the public water supply of the Highland Water District does not occur. The location of a significant estuarine habitat, the Poughkeepsie Deepwater Habitat, offshore is further reason to closely monitor the discharges from increased boating activity within the Town's coastal waters.

In order to meet the needs for marine waste discharge, the protection of water quality, fish and wildlife habitats, water supplies, and the quality of recreational resources, the Town of Lloyd will require local marinas to provide access to marine dumping stations for the discharge of solid wastes and sewage.

All marinas in the Town of Lloyd shall make provisions to accept sewage and solid waste discharges from marine vessels as may be appropriate. The following guidelines shall apply:

1. Discharge facilities shall be accessible to the general public.
2. Discharge facilities shall be accessible to ships, boats, marine vessels of the same class stored, serviced or docked as such marinas.
3. A fee may be charged for discharged for discharge of sewage and solid waste (by the general public) not to exceed 1.25 times that charged to marina members or patrons.
4. Discharge facilities shall be either connected to the Lloyd Sanitary Sewage System or effluent shall be stored in an approved holding tank. Such holding tank shall be pumped on a regular basis in order to provide continual accessibility to the discharge facilities.

**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            SPOILS FROM DREDGING OF THE NAVIGATIONAL CHANNEL OF THE HUDSON RIVER, OR OF ANY AREAS OF THE RIVER OR THE COASTLINE WHICH MAY REQUIRE IT, SHALL NOT BE DISPOSED OF IN THE POUGHKEEPSIE DEEPWATER HABITAT.**

**EXPLANATION OF POLICY**

Dredging does take place in the navigation channel of the Hudson River. Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources.

Often these 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 (Policies 7, 15, 25, 26, and 44).

Routine maintenance dredging of the navigation channel of the Hudson River between Peekskill and Kingston is not required, however, because of the channel's depth and the fast flow of the River. The effects of dredging occur within a one mile radius of the work. The Town of Lloyd does not face any imminent threat, therefore, from the pollutant PCBs which have accumulated in the sediment of the Hudson River.

**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**

Currently no hazardous wastes other than petroleum are shipped from or stored at the Highland Landing or anywhere else along the Town's Hudson River shoreline.

The only product which continues to be shipped by water to and from Highland Landing is petroleum, where a storage facility is maintained at the River's edge. The transport of this and other hazardous materials (see Policy 39 for definition of hazardous materials) is governed and monitored by applicable State regulations. Policy 39 addresses the transport, storage, treatment, and disposal of solid and hazardous wastes. There is no indication of problems with leakage or spills at this site, but monitoring of the operations at the site must be continued.

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

**EXPLANATION OF POLICY**

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

New development on the steep slopes above the Hudson River could increase erosion unless proper erosion protection measures are taken during construction and incorporated into final design. Development plans in these areas will be required to include erosion protection plans to achieve the following objectives and comply with the storm water runoff requirements (Coastal Nonpoint Pollution Program, Section 6217 of the Coastal Zone Management Act):

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

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. Currently stormwater drainage studies and plans and erosion and siltation control plans are required during the subdivision and site plan review process set forth by the Town's Site Plan and Subdivision Laws. Such plans are reviewed by the Town's Engineer and Planning Consultant. The LWRP policies relating to erosion control, Nos. 12, 13, 14 and 17, especially along the bluff line and in areas of steep slopes are also applicable in achieving this goal.

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

**EXPLANATION OF POLICY**

Surface and ground water are the principal sources of drinking water in the State and, therefore, must be protected. The Town of Lloyd depends on both ground water (primarily private wells) and surface water for its water supply. The Highland Water District has been using the Hudson River as its primary source of water, depending on surface reservoirs when possible or as a backup in an emergency. Any action which would have an impact on the quality of the Hudson River as a source of drinking water must be thoroughly reviewed and mitigating measures investigated.

Regional planning relative to water resources for the Hudson Valley and New York City metropolitan area is finally being undertaken and Ulster and Dutchess Counties are both participants. As the Town intends to apply for a permit to increase its taking from the River to a maximum of 3.1 million gallons per day, its possible impact upon the movement northward of the salt lines is crucial to the Town's planning. The Town will seek the maximum input possible in this matter to protect its supply of water for public consumption.

Impacts upon the River resulting from construction activity, land use management, point and non-point pollution discharges, and direct actions within the water, shall also be considered and reviewed for their impacts. Current Site Plan and Subdivision review practices are described in Policy 37.

The New York State Department of Environmental Conservation, Division of Hazardous Waste Remediation has listed the Costantino Landfill on Clearwater Road in the "Inactive Hazardous Waste Disposal Report". The landfill's location is within the Town of Lloyd Waterfront Area and is within the upland area. The site is described as " a construction and demolition debris landfill" which is believed to have received hazardous waste. Although a Phase I investigation of the site has been done, a Phase II investigation has not yet been completed.

**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 GROUND WATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS, AND SCENIC RESOURCES.**

## EXPLANATION OF POLICY

The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law, Section 27-0901 (3). 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 the filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources. NYS DEC has established a wide range of regulations to regulate this area and is moving to increase standards to protect ground water resources from such contamination. Ulster County is currently considering both a mass burn facility and an ash landfill which might also receive dewatered sludge. Those two options would relieve the pressure currently being experienced by all communities in Ulster County relative to the closure of their municipal landfills and the continuing problem of disposal of sludge from municipal sewer treatment facilities. The Town of Lloyd's Waterfront Area has not, as yet, been considered as a possible site for either of these facilities.

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

## EXPLANATION OF POLICY

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new 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**

Waterfront management guidelines and program decisions, with regard to land and water use, and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan, which embodies the requirements of the Clean Air Act and the minimum air quality control requirements applicable within the Waterfront Area.

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 industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharge into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal region and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

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

**EXPLANATION OF POLICY**

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

prevention of significant deterioration land classification designations based upon State and local coastal management programs.

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

**EXPLANATION OF POLICY**

The New York State 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. As only light industry is allowed within the Town's Waterfront Area, significant amounts of nitrates and sulfates are not likely to result.

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

**EXPLANATION OF POLICY**

Freshwater wetlands include marshes, swamps, bogs and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetland Act and the NYS 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 fin and shellfish varieties; and contribution to associated aquatic food chains:

- erosion, flood and storm control;
- natural pollution treatment;
- ground water protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

The New York State Department of Environmental Conservation regulates and maps freshwater wetlands. Numerous DEC designated Freshwater Wetlands and Town-identified wet areas have been identified and mapped and are included on Map 5. Specific actions regarding their preservation have been studied, and activities that would cause erosion, sedimentation, pollution,

or other adverse impacts on such areas will be closely reviewed and mitigation required when necessary.

Recognizing that the possibility does exist for development activities to be permitted in the wetland areas identified within the Lloyd waterfront area, mitigation of such wetland loss in the form of one to one value-for-value replacement will be considered as a basis for allowing such development, only if it can be demonstrated that a viable replacement wetland could and would be established and that provisions for establishment of such a wetland be made through performance bonds, maintenance bonds, or similar methods.

**SECTION IV**

**PROPOSED LAND AND WATER USES AND PROPOSED  
PUBLIC AND PRIVATE PROJECTS**

## **A. PROPOSED LAND AND WATER USES**

The proposed land and water uses in the Waterfront Area were established with the recent effort to develop the Town's revised Draft Comprehensive Plan and will be substantially implemented through the Town's zoning regulations. The Proposed Land Uses of the Lloyd LWRP are shown on a Map 9-B and Map 9-C (pages IV-7 and IV-9 respectively). The proposed Land Uses to the east of US Route 9W, which encompasses the Town's designated waterfront boundary, include a range of uses depending on their proximity to Route 9W and the Highland hamlet area. The corridor of U.S. Route 9W includes General Industry (GI) to the north and Design Business (DB), General Business (GB) and Central Business (CB) to the south. Beyond the higher-density residential land uses proposed for the hamlet area (CR 1/2), those included in the waterfront boundary are medium-density residential (MDR, 1-acre density) and the bluffline area low-density residential (LDR, 2-acre density).

## **B. PROPOSED PUBLIC AND PRIVATE PROJECTS**

The following list of proposed public and private sector projects will enhance, encourage, and contribute to the implementation of Lloyd's Local Waterfront Revitalization Program. These projects were developed to accomplish the following objectives:

- a) improve public access to the Hudson River;
- b) improve recreational opportunities;
- c) protect scenic resources;
- d) revitalize underutilized waterfront areas; and,
- e) identify and protect sensitive natural and cultural resources.
- f) enhance the scenic quality of the Esopus/Lloyd Scenic Areas of Statewide Significance.

The proposed projects which are illustrated on Map No. 9 include the following:

### **1. Waterfront Bluffs Overlay Zone**

The bluffs along the western shore of the Hudson River have been identified as a significant natural and aesthetic resource in the waterfront area. The NYS Secretary of State has also recognized this area as a Scenic Area of Statewide Significance (SASS) through designation of the Esopus/Lloyd SASS. The value of these resources may be protected by establishing a Waterfront Bluffs Overlay Zone, having two components: Firstly, a bluffline would be defined to delineate the westward extent of the bluffs area. Secondly, development guidelines to protect the special characteristics of the area would be established as additions to the zoning ordinance, and would apply regardless of other zoning designations (see Section V for proposed standards). The area and added requirements would be known as a Waterfront Bluffs Overlay Zone.

The waterfront bluffs overlay zone is especially important because of SASS designation. The overlay zone will enhance the scenic quality of the bluff area. Any development will be mandated to meet the criteria developed at the local level, as well as, the siting guidelines stipulated in Policy 24 of the LWRP. The bluffs will be protected from visually obtrusive development and currently discordant features will be removed over time. Clustering and screening will be required to retain or improve the visual character of the area.

Development guidelines for the Overlay Zone would require setbacks from the bluffline. During site plan review, proposals along the bluffs or affecting views to and from the bluffs will be examined for retention of vegetative cover, aesthetically compatible building materials and color, general architectural standards regarding rooflines, and construction of erosion control or protection structures (see Section V.A.2 & 3, Subdivision Regulations and Site Plan Review).

## **2. Hudson River Access Feasibility Study**

The Town of Lloyd has limited physical access to the Hudson River due to railroad tracks which parallel the shoreline, and steep bluffs along much of the western shore. A feasibility study would identify the most promising locations and means of increasing access to the river, including plans, estimated costs and notable obstacles or advantages.

The LWRP has already identified several locations where improvements to increase access to the river are possible (see Policies 19-22 and Map No. 9). The former Columbia Boat House might be developed as a public boating facility depending on acquisition of property as well as access and structural improvements.

Highland Landing is the only area in the town where there is existing public access east of the railroad tracks. Projects could include upgrading the railroad crossings, and acquiring land or an easement to develop a boat ramp and/or dock.

Oaks Road was identified as a desirable area for developing a linear recreation path, and for gaining direct access to the river (see Map No. 9). The primary obstacle is private ownership of shoreline property, particularly the railroad tracks. The Feasibility Study could identify the most suitable locations for access, and propose mechanisms for financing acquisition (or easements) and development of appropriate facilities (pedestrian overpass, at-grade crossing, dock fencing, signage, etc.).

The estimated cost for such a feasibility study is \$15,000.

**3. Parks and Recreation Plan**

This project would result in a master plan for public access and recreational use of land and facilities in the waterfront area, and for linking access points wherever possible, including proposals for implementation and design as appropriate. Specific items include:

- a) Revitalize Johnson-Iorio Park to increase utilization of the park, improve security and eliminate hazard to dwellings at the foot of the bluff; seek implementation of the NYS Bridge Authority's offer to consider patrols and other security measures to ensure safety in the vicinity of the Park and the Mid-Hudson Bridge.
- b) Reopen pedestrian access to the Mid-Hudson Bridge from Johnson Iorio Park, and coordinate this development with the NYS Bridge Authority and the City of Poughkeepsie in light of the role of such access as a link to the scenic Mid-Hudson Bridge and the City's public parklands.
- c) Acquire land or easements along Oaks Road or around the Mariner's Harbor site for development of a linear path along Oaks Road or a narrow dock for access to the river for recreational fishing (see also, River Access Feasibility Study).
- d) Develop passive recreational facilities on the site of the Water Treatment Plant on Oaks Road, following removal of the storage tanks.
- e) Develop a park in conjunction with a new Hudson River Bridge crossing, including pedestrian and bicycle access and linkages (see also, Section V, 2.1 (b), Town of Lloyd Policy Statements on Hudson River Bridges).
- f) Pursue development of recreational activities along the upland area of the bluff from the Mid-Hudson Bridge south to the Town line through negotiations with individual landowners or developers. Propose the creation of a waterfront trail to provide visual access to the river from selected points while protecting the visual qualities of the bluffs as viewed from the river (see also, Waterfront Bluffs Overlay Zone).

This would be pursued on a site specific basis due to limitations of the bluffline itself such as existing vegetation, topography, wildlife habitat, etc.

- g) Identify all public and private lands which have high scenic or recreational value and existing or potential public access. This would

be a significant preparatory step to take advantage of opportunities to improve public access and recreation through future programs such as Hudson Valley Greenway.

- b) Identify additional ways the Town could enhance the scenic quality of the Esopus/Lloyd Scenic Area of Statewide Significance through a Park and Recreation Plan.

Development of such a Parks and Recreation Plan should be coordinated with the River Access Feasibility Study. The cost requirements of acquisition, design, construction and maintenance of each project would be estimated.

The cost estimate of developing such a Parks and Recreation Plan is \$5,000.

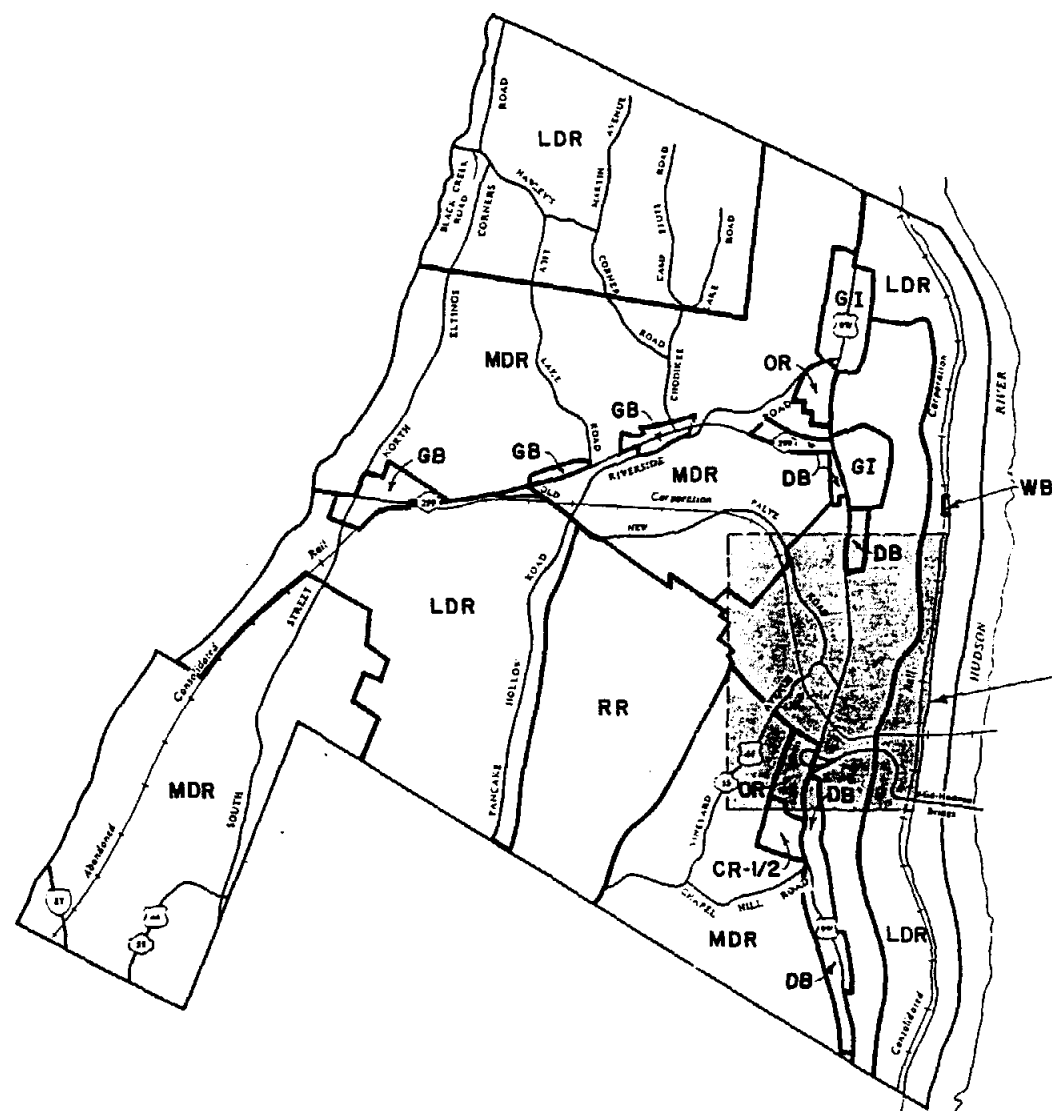
#### **4. Highland Landing Revitalization**

The goal of this project is to encourage increased utilization and economic development of Highland Landing. A mini-study should be prepared to identify the area's attractions and the means to promote them. Specific activities might include:

- improved signage on Route 9W to draw attention to the attractions and resources of Highland Landing;
- an outdoor display on the history of Highland Landing as a waterfront community, and a map of the scenic, cultural, and recreational resources in the vicinity of Highland Landing;
- removal of abandoned utility poles and lines;
- improved parking facilities and relocation to the west...
- improved railroad crossing facilities; and,
- development of a linear park along Oaks Road (see also, Parks and Recreation Plan.

The estimated cost of such a study is \$5,000.00. If the River Access Feasibility Study, the Parks and Recreation Plan, and the Highland Area Revitalization Study were undertaken together, significant savings would be possible.



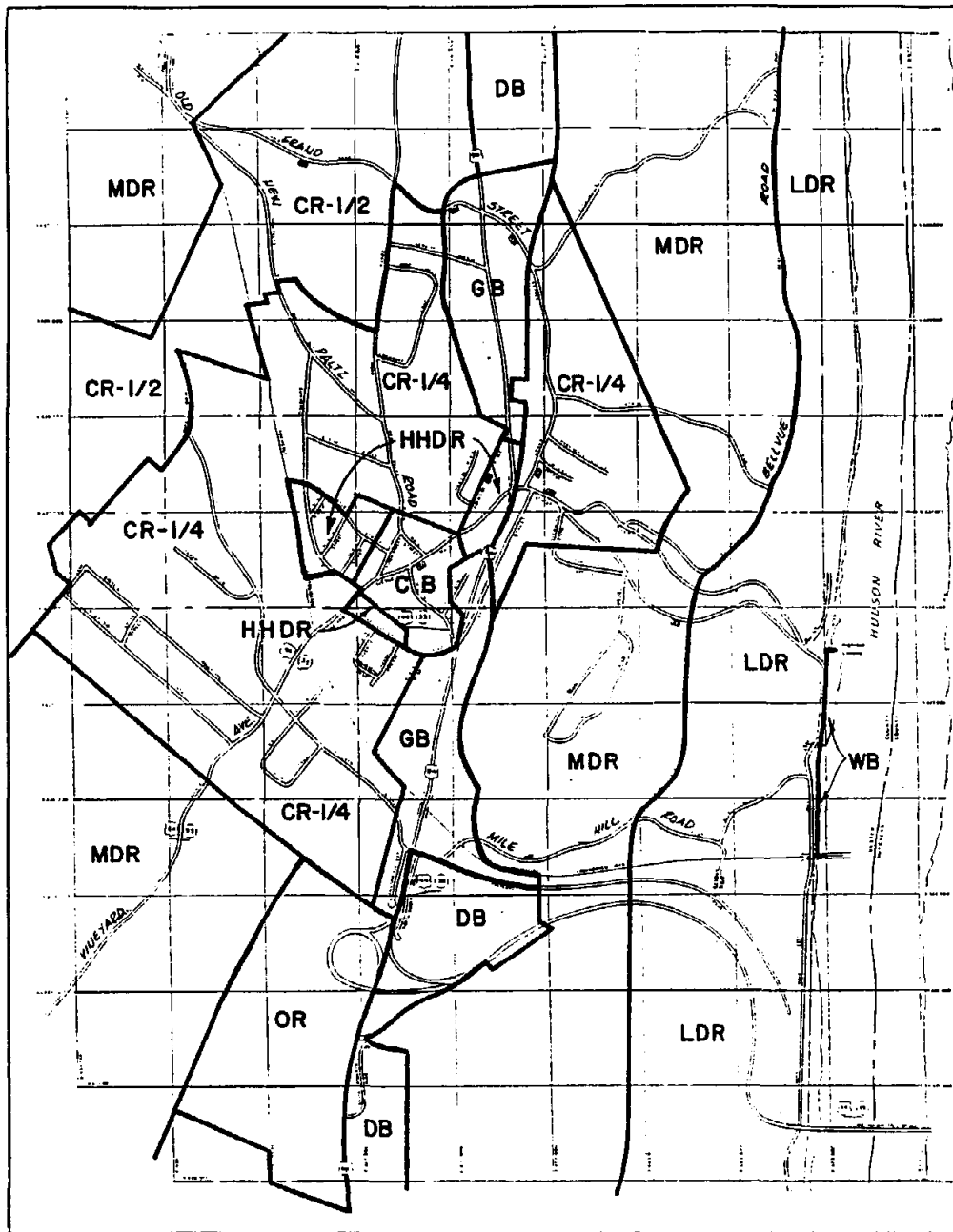


**LEGEND**

- RR RURAL RESIDENTIAL
- LDR LOW DENSITY RESIDENTIAL
- MDR MEDIUM DENSITY RESIDENTIAL
- CR-1/2 COMMUNITY RESIDENTIAL (1/2)
- CR-1/4 COMMUNITY RESIDENTIAL (1/4)
- HHDR HAMLET HIGH DENSITY RESIDENTIAL
- DB DESIGN BUSINESS
- GB GENERAL BUSINESS
- CB CENTRAL BUSINESS
- GI GENERAL INDUSTRY
- OR OFFICE RESEARCH
- WB WATERFRONT BUSINESS

**Map 9-B - Proposed Land Uses**

<b>RUDIKOFF &amp; RODGE, INC.</b>	PROPOSED LAND USES	DATE. 10/88	
	LLOYD COMPREHENSIVE PLAN	SCALE. _____	PAGE NO. _____



**LEGEND**

- RR** RURAL RESIDENTIAL  
(1 Unit / 4 Acres)
- LDR** LOW DENSITY RESIDENTIAL  
(1 Unit / 2 Acres)
- MDR** MEDIUM DENSITY RESIDENTIAL  
(1 Unit / 1 Acre)
- CR-1/2** COMMUNITY RESIDENTIAL (1/2)  
(2 Units / 1 Acre)
- CR-1/4** COMMUNITY RESIDENTIAL (1/4)  
(4 Units / 1 Acre)
- HHDR** HAMLET HIGH DENSITY RESIDENTIAL  
(6-10 Units / 1 Acre)
- DB** DESIGN BUSINESS
- GB** GENERAL BUSINESS
- CB** CENTRAL BUSINESS
- GI** GENERAL INDUSTRY
- OR** OFFICE RESEARCH
- WB** WATERFRONT BUSINESS



**Map 9-C - Proposed Land Uses**

<b>RUDIKOFF &amp; RONDE, INC.</b>	PROPOSED LAND USES - HIGHLAND AREA	DATE. <u>7/88</u>	
	LLOYD COMPREHENSIVE PLAN	SCALE _____	PAGE NO _____

**SECTION V**  
**TECHNIQUES FOR LOCAL IMPLEMENTATION**  
**OF THE PROGRAM**

## A. LOCAL LAWS AND ORDINANCES NECESSARY TO IMPLEMENT THE LWRP

### 1. Zoning Ordinance

The Town's zoning ordinance has been in effect since 1975, and regulates the nature and intensity of land uses throughout the Town, including the waterfront. Zoning in the Waterfront Area, west of the railroad, includes residential, commercial, industrial, and agricultural districts. Commercial and industrial districts lie primarily along Route 9W.

In conjunction with preparation of the LWRP, the Town enacted two zoning districts for the shoreline area to the east of the railroad - the Waterfront Business District and the Waterfront Bluffs Overlay Zone. These districts were enacted to encourage water-related uses along the shoreline, as well as to protect important coastal resources.

The Waterfront Business District lies east of the railroad tracks from Highland Landing southward to the Old Railroad Bridge, and in the vicinity of the Columbia Boathouse. Principal permitted uses of the Waterfront District include: restaurants; boat or yacht clubs; establishments for the storage, rental or sale of boats, or products related to boats or water recreation; and other uses related to waterfront recreation. The district provides for recreational and commercial development in this area which complements water-related activity. The limited location and size of land in this area may limit the feasibility of providing other services in this district.

The Waterfront Bluffs Overlay Zone (WBOZ) was adopted for the area of the waterfront east of the bluffline (see Map No 8), as a means of protecting the significant aesthetic and natural resources of this area, which have also been designated as a Scenic Area of Statewide Significance (SASS). The zone requires that development proposals be examined during site plan review for vegetative cover, building height and setback of buildings, the location of other structures, site clearance, building materials and color, the visual impact of rooflines, and construction of drainage, erosion/siltation control structures. The WBOZ guidelines also include standards for development on steep slopes and erosion and siltation control measures from the NY Guidelines for Urban Erosion and Sediment Control.

### 2. Subdivision Regulations

This local law regulates the sub-division of land parcels into smaller lots and provides the Planning Board with broad discretion to address the preservation of

the natural character of the land and the provision of adequate community facilities, services, utilities, and improvements. The Subdivision Plan checklist was revised to address consistency with the LWRP and the Waterfront Bluffs Overlay Zone during subdivision review.

The checklist outlines information needed by the Planning Board to complete a thorough review of a subdivision application. Since Special Permits also require Site Plan review, the Site Plan Checklist would also be used. These checklists are also frequently used for the review of other types of applications before the Planning Board, Town Board, or Zoning Board of Appeals. Information to be provided on the checklists includes the following:

- o structures and man-made features
- o natural features such as slopes and rock outcrops
- o streams/drainageways, wetlands, wet areas, ponds and lakes
- o improvements such as stormwater drainage, water and sewer systems, erosion and siltation control plants, and landscaping

The checklists were amended to include the following requirement:

- o location within the Waterfront Boundary and Waterfront Bluffs Overlay Zone (WBOZ) should be indicated on the Area Map and as a note on the Plan. Location within this Boundary or Zone requires that a Full Environmental Assessment Form (EAF) be submitted with a Visual EAF Addendum and a Coastal Assessment Form (CAF) attached. The Plan, EAF and attachments, and other requested information are required for review by the Planning Board for all projects in the Waterfront Boundary and WBOZ. All projects in these areas will be reviewed for consistency with the policies of the Lloyd LWRP.

### 3. Site Plan Review

The Planning Board currently conducts site plan review and approval for all land uses except single family residences. The Site Plan checklist was revised to address consistency with the LWRP and the Waterfront Bluffs Overlay Zoning District as part of the Site Plan review.

### 4. Flood Damage Prevention Law

This local law regulates and limits development in flood hazard areas, as designated by the Federal Emergency Management Agency.

5. Waterfront Consistency Review Law

This law sets forth the structure and procedure by which all potentially significant actions in the Waterfront Area will be evaluated for consistency with the LWRP. The law provides that the Town Planning Board review proposals and make recommendations concerning consistency, as well as measures by which a proposal can be improved to further LWRP policies and standards. The law applies to Type I and Unlisted Actions, as defined by SEQRA, to be located within the waterfront area.

B. **OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP**

1. Revision of Town's Comprehensive Plan

The Town's Comprehensive Plan was completed in 1981 and is now outdated and needs to be updated to better address the goals and policies of the LWRP. The Town has appointed a committee to oversee revision of the plan.

The LWRP will be strengthened when the Comprehensive Plan has been updated. Following adoption of a revised plan, it is anticipated that further amendments to the zoning ordinance will be drafted, which will strengthen implementation of the LWRP.

2. Develop Town of Lloyd Policy Statements on Hudson River Bridges

This project involves initiating discussion between State, Town, and regional agencies, as well as the public, relative to proposals under consideration for construction of a new Hudson River bridge. Similarly, discussions would address future proposals for removal, preservation, or reuse of the existing Railroad Bridge. The goal of this effort would be to adopt local resolutions outlining issues and establishing criterias for the review of these proposals, particularly with regard to SEQRA.

Issues concerning the bridges and affecting identified waterfront resources include:

- o scenic value of the bluffs, the shoreline, the bridges and the Hudson River
- o existing and potential recreation access to and from the bridges and adjacent lands
- o erosion and construction impacts on the bluffs and the shoreline
- o disturbance of vegetation and wildlife habitat on the bluffs and in the Hudson River

The project is intended to be pursued as part of the Comprehensive Planning process.

3. Private Sector Actions Necessary to Implement the LWRP

No specific private sector actions to implement the LWRP are currently proposed. Opportunities may arise for private sector involvement following implementation of some of the proposed projects: commercial and/or citizen group participation may be required to implement aspects of the Parks and Recreation Plan and Highland Landing Revitalization (Section IV, Project Nos. 4 and 5).

**C. MANAGEMENT STRUCTURE TO IMPLEMENT THE LWRP**

The Town Supervisor and the Town Board will be responsible for overall management and coordination of the LWRP, while the Town Planning Board is responsible for reviewing proposed actions for consistency with the LWRP.

A local consistency law which clarifies how proposed local actions will be reviewed for consistency with the LWRP has been adopted by the Town Board. The Waterfront Consistency Review Law has been coordinated with the procedures and timeframes already established by SEQRA. During the environmental review for a proposed project, a Town agency undertaking, funding or approving an action (or the lead agency) must determine that the action is consistent with the waterfront policies of the Town's LWRP. The Town Planning Board makes recommendations in an advisory capacity.

Proposed State and federal actions within the waterfront area shall be reviewed in accordance with guidelines established by the New York State Department of State, and set forth in Appendix C.

**D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP**

Refer to the descriptions of specific proposed projects in Section IV.

**SECTION VI**

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



State and federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The first part of this section identifies the actions and programs of State and federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and Federal assistance needed to implement the LWRP.

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

**1. State Agencies**

**OFFICE FOR THE AGING**

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

**DEPARTMENT OF AGRICULTURE AND MARKETS**

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

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:  
    1.01 Ball Park - Stadium License  
    1.02 Bottle Club License  
    1.03 Bottling Permits  
    1.04 Brewer's Licenses and Permits  
    1.05 Brewer's Retail Beer License  
    1.06 Catering Establishment Liquor License  
    1.07 Cider Producer's and Wholesaler's Licenses  
    1.08 Club Beer, Liquor, and Wine Licenses  
    1.09 Distiller's Licenses  
    1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses  
    1.11 Farm Winery and Winery Licenses  
    1.12 Hotel Beer, Wine, and Liquor Licenses  
    1.13 Industrial Alcohol Manufacturer's Permits  
    1.14 Liquor Store License  
    1.15 On-Premises Liquor Licenses

- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

## **OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Letter Approval for Certificate of Need
  - 2.02 Operating Certificate (Alcoholism Facility)
  - 2.03 Operating Certificate (Community Residence)
  - 2.04 Operating Certificate (Outpatient Facility)
  - 2.05 Operating Certificate (Sobering-Up Station)

## **COUNCIL ON THE ARTS**

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

## **DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)

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

## **NEW YORK STATE BRIDGE AUTHORITY**

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

## **DEPARTMENT OF CORRECTIONAL SERVICES**

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

## **DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

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

## **DEPARTMENT OF ECONOMIC DEVELOPMENT**

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

## **EDUCATION DEPARTMENT**

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

## **ENERGY PLANNING BOARD AND ENERGY OFFICE**

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

**NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

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

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program: classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
  - (a) Water Quality Improvement Projects
  - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit

- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

### Marine Resources

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

### Regulatory Affairs

- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals



- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration

Solid Wastes

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

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

**ENVIRONMENTAL FACILITIES CORPORATION**

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

## **FACILITIES DEVELOPMENT CORPORATION**

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

## **OFFICE OF GENERAL SERVICES**

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

## **GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY**

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

## **DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)

- 2.07 Operating Certificate (Hospice)
- 2.08 Operating Certificate (Hospital)
- 2.09 Operating Certificate (Nursing Home)
- 2.10 Permit to Operate a Children's Overnight or Day Camp
- 2.11 Permit to Operate a Migrant Labor Camp
- 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
- 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

**DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS  
SUBSIDIARIES AND AFFILIATES**

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

**HOUSING FINANCE AGENCY**

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

## **HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL**

- 1.00 Greenway planning and review
- 2.00 Greenway Compact activities
- 3.00 Financial assistance/grants program
- 3.00 Model Community Program

## **JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

## **MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

## **OFFICE OF MENTAL HEALTH**

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

## **OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

## **DIVISION OF MILITARY AND NAVAL AFFAIRS**

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

## **NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

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

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

## **POWER AUTHORITY OF THE STATE OF NEW YORK**

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

## **NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

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

## **DEPARTMENT OF SOCIAL SERVICES**

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

## **DEPARTMENT OF STATE**

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

## **STATE UNIVERSITY CONSTRUCTION FUND**

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

## **STATE UNIVERSITY OF NEW YORK**

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

## **NEW YORK STATE THRUWAY AUTHORITY/CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION**

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

## **DEPARTMENT OF TRANSPORTATION**

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

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



## **URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

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

## **DIVISION FOR YOUTH**

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

2. **FEDERAL AGENCIES - DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

**DEPARTMENT OF COMMERCE**

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

**DEPARTMENT OF DEFENSE**

Army Corps of Engineers

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

Army, Navy and Air Force

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

**DEPARTMENT OF ENERGY**

- 1.00 Prohibition orders.

**GENERAL SERVICES ADMINISTRATION**

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

## **DEPARTMENT OF THE INTERIOR**

### Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

### Mineral Management Service

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

### National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

## **DEPARTMENT OF TRANSPORTATION**

### Amtrak, Conrail

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

### Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATNP).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

### Federal Aviation Administration

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

### Federal Highway Administration

6.00 Highway construction.

## St. Lawrence Seaway Development Corporation

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

## **FEDERAL LICENSES AND PERMITS**

### **DEPARTMENT OF DEFENSE**

#### Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

### **DEPARTMENT OF ENERGY**

#### Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

**ENVIRONMENTAL PROTECTION AGENCY**

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

**DEPARTMENT OF THE INTERIOR**

Fish and Wildlife Services

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

### Mineral Management Service

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

### **INTERSTATE COMMERCE COMMISSION**

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

### **NUCLEAR REGULATORY COMMISSION**

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

### **DEPARTMENT OF TRANSPORTATION**

#### Coast Guard

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

#### Federal Aviation Administration

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

## FEDERAL AGENCIES - FEDERAL ASSISTANCE\*

### DEPARTMENT OF AGRICULTURE

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

### DEPARTMENT OF COMMERCE

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

- 11.501 Demonstration Grants and Cooperative Agreements Program  
Development and Promotion of Ports and Intermodel  
Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport  
Systems

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

**DEPARTMENT OF THE INTERIOR**

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

**DEPARTMENT OF TRANSPORTATION**

- 20.102 Airport Development Aid Program



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

#### **GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

#### **COMMUNITY SERVICES ADMINISTRATION**

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

#### **SMALL BUSINESS ADMINISTRATION**

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

#### **ENVIRONMENTAL PROTECTION AGENCY**

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

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

**B. FEDERAL AND STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE IMPLEMENTATION OF THE LWRP.**

1. US Army Corps of Engineers

- a. The dredging and stabilization of the Hudson River shoreline would require a US Army Corps of Engineers permit. This federal agency would most likely be involved in any action involving the Hudson River.

2. NYS Office of Parks, Recreation and Historic Preservation

- a. Any proposed linkage of shoreline public parks should be designed and constructed with the cooperation and assistance of the Taconic Regional Office. This trail system would eventually link with other local trails to become part of a greenway system along the entire spans of the eastern side of the Hudson River throughout Westchester County.

3. NYS Department of Environmental Conservation

- a. Any improvements of the Highland Water of Sewer District Plants along the Hudson River would require approval from the DEC.

4. Conrail

- a. Cooperation of the Consolidated Rail Corporation is essential to the provision of public access and the maintenance of the water quality of the Hudson River.
- b. The maintenance of visual access to the Hudson River requires painting and/or refinishing existing, deteriorated railroad-related structures. Conrail should incorporate clean-up of these structures into their maintenance program and cooperate with local agencies in the maintenance of views to the River.

5. NYS Department of Transportation

Scenic Roads designated under Article 49 of the Environmental Conservation Law and which are under the jurisdiction of the State DOT should be maintained and managed in accordance with their scenic character. Adoption by the DOT of Scenic Roads, Maintenance and Management Guidelines would help ensure the continued scenic quality of the highway right-of-way.

6. NYS Office of General Services

Proir to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formally underwater lands and for authorization to use and occupy these lands.

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

## **Review of Draft LWRP**

The Draft Local Waterfront Revitalization Program (LWRP), including the Draft Generic Environmental Impact Statement, was reviewed and approved by the Town Board (as SEQRA Lead Agency) and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and State Environmental Quality Review Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and Federal agencies, Ulster County, and adjacent waterfront municipalities. Comments received on the Draft LWRP/DEIS were reviewed by DOS and the Town and resultant changes were made to the LWRP, which were detailed in the Final Environmental Impact Statement.

## **Preliminary Consultations**

In addition to the formal consultation with State, federal, and local agencies described above, the Town's Waterfront Revitalization Committee consulted with the following agencies and officials during preparation of the draft program:

- State Department of Environmental Conservation
- New York State Office of Parks, Recreation, and Historic Preservation
  
- Town of Lloyd Planning Board
- Town of Lloyd Town Board
- Town of Lloyd Supervisor
- Town of Lloyd Engineer
- Town of Lloyd Highway Superintendent
- Town of Lloyd Recreation Department
- Ulster County Planning Board
- Ulster County Department of Health
- Hudson River Fisherman's Association

**SECTION VIII**  
**LOCAL COMMITMENT**

An important aspect of developing a Local Waterfront Revitalization Program (LWRP) is ensuring the support and cooperation of all agencies that will be affected by it. The Department of State requires that these agencies be consulted during preparation of the program and that such consideration be included in the program document.

During development of the LWRP, the Waterfront Revitalization Committee sought the advice, comments, and cooperation of a number of local, regional, State, and federal agencies.

### **Local Commitment**

The Waterfront Revitalization Committee, an organization appointed by the Town and comprised of concerned citizens interested in the waterfront area, insured that those agencies that may be affected by implementation of the LWRP were actively involved in its preparation.

The Draft LWRP described the need for additional local legislation and emphasized the commitment of the Town to addressing local coastal area concerns to ensure protection of the Lloyd environment.

In 1987, the Town retained Matthew D. Rudikoff Associates, Inc. as consultants to assist the Waterfront Revitalization Committee in completion of the Local Waterfront Revitalization Program. In order to assure local commitment, the public was involved in the following ways:

1. A committee of concerned citizens was appointed by the Town in 1987 to prepare the LWRP. This committee, named the Waterfront Revitalization Committee (WRC), met regularly and drafted the LWRP with assistance from the planning consultant.
2. The WRC met with the Town Supervisor, Town Board, and other Town representatives at appropriate intervals during development of the draft and final LWRP.
3. The WRC kept elected officials and interested groups informed on an on-going basis through correspondence and personal communication.
4. Local news media have been, and will continued to be, provided with background information on the LWRP to form the basis for news articles and editorials.
5. Members of the WRC also served on the Town's Comprehensive Plan Committee. The objectives and projects of the LWRP were included in all public discussions of the Town's Comprehensive Plan.
6. Revisions to the Draft LWRP were undertaken in response to comments received by State, federal, and local agencies during the 60 day review of the Draft LWRP initiated by the NYS Department of State. The final LWRP was reviewed by the Town Board prior to its adoption.

7. The SEQR process included adequate time for public review and comment on the Draft LWRP and Draft EIS. In addition, all procedural requirements of SEQRA were complied with during preparation of the LWRP.
8. The Final LWRP, the Final Environmental Impact Statement, and all local laws necessary to implement the LWRP were adopted by the Town Board.



**APPENDIX A**

**ESOPUS/LLOYD SCENIC AREA  
OF STATEWIDE SIGNIFICANCE**

## **APPENDIX A**

### **ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE**

#### **I. LOCATION**

The Esopus/Lloyd SASS encompasses a seventeen mile stretch of the Hudson River and its shorelands and varies significantly in width from 0.75 to 2 miles. The SASS extends from its northern boundary, which runs from Riverview Cemetery on NY Route 9W to the Hudson River, south of the hamlet of Port Ewen, to its southern boundary on Church Road in the hamlet of Milton. The SASS includes the Hudson River from the mean high tide line on the eastern shore, for much of its length sharing a common boundary with the Estates District SASS on the eastern shorelands of the Hudson River, and land to the west of the Hudson River.

The western boundary of the SASS follows the coastal area boundary south from Riverview Cemetery to the hamlet of Esopus, where it runs five hundred (500) feet to the east of the center line of Main Street, joining NY Route 9W to the south of the hamlet of Esopus, where it runs south along NY Route 9W to the boundary of the Towns of Esopus and Lloyd, where it follows the viewshed of the Hudson River to the junction of Red Top and Bellevue Roads, where it follows Bellevue Road to the hamlet of Highland Landing, where it follows the viewshed of the Hudson River to the intersection with the telephone lines which it follows to the intersection with NY Route 9W, then along NY Route 9W to the junction of NY Route 9W and Milton Road, where it follows Milton Road to the southern boundary of the SASS at the junction of Milton Road and Church Road, in the hamlet of Milton.

The Esopus/Lloyd SASS is located within the Towns of Esopus, Lloyd and Marlborough, Ulster County and the City of Poughkeepsie and the Towns of Rhinebeck, Hyde Park and Poughkeepsie in Dutchess County.

It is comprised of 6 subunits:

EL-1 Big Rock and Hemlock Points; EL-2 Esopus Uplands; EL-3 Esopus Bluffs; EL-4 Lloyd Bluffs; EL-5 Highland Bluffs; EL-6 Blue Point.

Consult the Esopus/Lloyd SASS map for the SASS boundary.

#### **II. DESCRIPTION**

The Esopus/Lloyd SASS is a highly scenic and valued region of the Hudson River Valley, rich in natural beauty, cultural and historical features.

It is characterized by highly varied topography with steep slopes, thin rocky soils and much exposed bedrock. For its whole length the landform rises steeply from the Hudson River for 100-300 feet to an upland area. Bedrock escarpments are common along the length of the

waterfront. Above the bluffs the landscape is dominated by a series of knolls, ridges, and low hills that have irregular or rolling relief, with occasional flat depressions containing surface water features, including ponds and wetlands. Rising up abruptly beyond the SASS are a series of ridges stretching in a north-south direction, a northern extension of the Marlborough chain of the Appalachians. These quartzite ridges include Hussey Hill, Shaupeneak Mountain, and Illinois Mountain which provide an imposing backdrop that frames the SASS.

The entire SASS is underlain by the Ordovician-aged Austin Glen Graywacke. Deposited approximately 430 to 470 million years ago, Graywacke is an extremely hard sedimentary rock characterized by the presence of angular mineral and rock fragments in a dark claylike matrix. This formation has been highly folded and faulted causing the Austin Glen formation to become fairly erodible and permeable. The ridges to the west of the SASS are Quassaic Quartzite outcrops. These were folded at the same time as the Austin Glen Graywacke, but the quartzite is harder and less erodible than the bedrock of the SASS and the ridges remain above the landscape of the SASS. The Pleistocene glaciation covered the area with glacial sediments filling preglacial valleys, modifying the drainage system and leaving the current topography of the SASS.

The most abundant soils in the SASS are those developed on glacial till and stratified drift. These are commonly used for orchards, meadow crops and pasture. In places the hilly topography and rock outcrops are limitations to cultivation. The other soil type was developed on lake bed sediments. These soils are generally poorly drained, with a seasonably high water table. Most of the wetlands scattered throughout the SASS occur on these types of soils.

Most of the natural shoreline of the Hudson River is steep, rocky and, although quite stable, susceptible to erosion due to the very steep slopes, lack of vegetation, thin soils and exposed rock faces. The shoreline configuration is relatively smooth with a few small points and coves while the River makes two gentle turns at Esopus Meadows Point and the Crum Elbow.

Most of the streams that drain the area flow northeasterly, following trends imposed by bedrock topography, and eventually draining into the Hudson River which flows to the south. Black Creek, whose main branch flows north from the Town of Lloyd, drains much of the central part of the SASS. The Twaalfskill Creek is the main drainage system in the Lloyd waterfront, discharging to the Hudson River at Highland Landing. Numerous unnamed streams drain to the Hudson River off the bluff areas.

The rolling upland above the Hudson River is covered with a combination of mixed woodlands and clearings comprised of farms, open pasture and meadows, orchards and vineyards and landscaped estates with formal gardens and sweeping lawns. Scattered development is situated throughout the upland above the bluffs, nestling into the woodland coverage and surrounded by the agricultural landscape. Wooded bluffs and cliffs dominate the Hudson River shoreline, except in the northern portion of the SASS where the relatively large, undisturbed area of shallow, freshwater tidal flat and associated vegetation known as Esopus Meadows spreads out into the Hudson River. Once a meadow where cows grazed, the tidal wetland has become an

extremely rare and valuable fish and wildlife habitat.

Land use in the Esopus/Lloyd SASS reflects the historic settlement pattern based around large estates that developed along the Hudson River. A rural pattern of development prevails with a mixture of orchards, fields, estates, religious institutions and seasonal resorts occupying large parcels of land, especially along the steep rugged bluffs and shoreline of the Hudson River. North of Esopus Meadows Point, River Road follows the shoreline. Intermittent residential development is sited along the shoreline and the road frontage. South of Esopus Meadows Point the steep slopes have precluded any shoreline development until the historic waterfront of Highland Landing, where the Twaalfskill Creek breaks the bluffs. The Town of Esopus is fortunate in that it is the first community north of Rockland County in which the railroad tracks move inland and do not impose a physical or visual barrier at the water's edge.

The Hudson River Valley has long been significant in the culture and history of both the State of New York and the United States. The region at the confluence of the Rondout Creek and the Hudson River is known to be an important archaeological area. It has been inhabited at least since the Woodland Period (100 B.C. - 1600 A.D.) and probably since Paleo-Indian times (c. 10,000 B.C.). Although the main concentration of archaeological sites is located north of the SASS, sites have been reported along the banks of the Hudson River, notably along River Road and in sheltered shoreline coves. Indians settled along the Hudson River long before European discovery of the New World. In this area the river Indians were known as the Esopus Indians, a division of the Munsee. The name Esopus is a Dutch word with origins in the Indian language. It means "land of flowing waters and high banks" and is an appropriate description of the Esopus/Lloyd SASS.

The Hudson River came to prominence when Henry Hudson explored the region in 1609. The ship's log describes the spectacular landscape. Hudson named this stretch of the Hudson River "Lange Rack", or Long Reach. Recent settlement of the Esopus/Lloyd area began in the second half of the 17th century and was concentrated around the Rondout Creek. As more settlers moved in, development spread south to Black Creek, known then as the Klyne Esopus Creek. Land grants in the Esopus Colony were given in the name of the Dutch ruler of the era.

The English took control of the Dutch Colony of New Netherlands in 1664, and the area south from the Rondout Creek to Black Creek, known as Klyne Esopus, became part of Ulster County under the jurisdiction of the Town of Kingston. All land in the area had to be reclaimed from the Kingston Commons. The English encouraged further settlement of the area, and land was cleared for agriculture and houses built. In 1811 the Town of Esopus was organized. Land in the southern part of the SASS was part of the Paltz Patent issued by Governor Andros in September 1677, the original Huguenot land grant that reached from the Hudson to the Shawangunks. This tract was sold off in the mid-18th century as small parcels and cottage lots when it became a burden to the owners.

In 1754 Anthony Yelverton came over the Hudson from Poughkeepsie, built the first house in the area now known as Highland Landing, set up a sawmill (1765) and operated the first ferry

crossing (1777). His house still stands and is the oldest frame house in Ulster County. For a time this part of the hamlet of Highland was known as "Yelvertons Landing". Around this time other settlements and landings were established along the narrow shoreline of the Hudson River. Scattered development extended south through the Lewisburg settlement, the area now below the western end of the Mid-Hudson Bridge, to Blue Point, and north to Crum Elbow, where there were docks on the river serving the small bluestone quarrying activities in the immediate vicinity. Settlers subsequently moved inland above the bluffs along the early roadways. By 1793 Noah Elting was running a ferry to Poughkeepsie from the base of River Road. This area became known as Eltings Landing, the hub of riverside activity and a populous place. Various docks and landings in the area took the names of their owners, although the riverfront area as a whole was known as New Paltz Landing. Finally, it was called Highland Landing following the formation of the hamlet.

The riverfront and inland settlements continued to grow, with residential and commercial growth accompanied by industrial development based around mills on the many streams in the waterfront area. Orchards were first established around 1774 and spread throughout the area, along with a diversification of the agricultural base to include raspberries, currents, peaches, strawberries and grapes. This part of the Hudson Valley became world famous for its agriculture, reaping natural benefits of soil, situation and climate. The Hudson River provided the main means of transportation of the produce to the metropolitan area of New York City and beyond.

Warehouses, storage for lumber and farm produce, stores, ice houses, factories, iron works, brickyards, stone cutting quarries, mechanic shops, woodworking mills, and coal yards sprang up along the waterfront to accommodate produce and manufactured goods for shipping. The development of commercial activity in the area was influenced by the ease of transportation offered by the Hudson River. Sloops sailed from the area to New York City daily. A thriving waterfront community developed at Highland Landing. Away from the commercial settlements, wealthy families built spacious homes set in landscaped estates of lawns, farmland and orchards, contributing much to the scenic quality of the area.

The development of the West Shore Railroad reduced river traffic and promoted inland development. The railroad changed the character of the waterfront. The narrow strip of land at the base of the steep bluffs was used for the tracks, displacing the waterfront industrial, commercial and shipping activity. Fruit growing became the main economic activity, with the railroad offering fast distribution of produce to a wider market, replacing the Hudson River as the main distribution route. Although active orchards still survive today, the industry is of a much smaller scale, and once active farmland and orchards have become woodland or built development.

Rowing, racing and regattas were a big sport on the Hudson River along the Lloyd waterfront from 1839 to 1950. The best remembered are the Intercollegiate Regattas which began in 1895 and continued until 1950. Crews came from all over the East and spent several weeks in the area. Columbia University's boathouse, built on the site of the old Knickerbocker Ice House

midway between Highland Landing and Crum Elbow, is a reminder of this era, although the facility has fallen into disrepair. Painted school emblems, faded with age, can still be seen on the rock escarpments above the Hudson River.

The physical character and cultural and historical development of the Esopus/Lloyd SASS, outlined above, has resulted in the current settlement and land use patterns and led to the present day landscape and architectural character. This includes several historic estates, monasteries and religious schools. These structures, located at the top of the bluffs, establish an historic architectural accent to the natural landscape. The stately lawns of the estates sweep toward the Hudson River. Views afforded from these vantage points are extensive. Most of the recent development has been carefully sited out of the major viewshed of the river, leaving the large historic estates as focal points. The rolling upland hills beyond the bluffs are a patchwork of open spaces, largely maintained as woodlands and farmlands.

The working waterfront at Highland Landing; the well preserved historic estates with their distinctive individual architectural styles; and the active farms, orchards and vineyards represent a remnant of a traditional land use in the Mid-Hudson region. The long history of the evolution of the estates along the Hudson River with their many different owners, all with their own story to tell, gives a sense of continuity and meaning to the landscape. This helps to provide the Esopus/Lloyd SASS with a symbolic link to its historic past.

The association of the Esopus/Lloyd SASS with the author John Burroughs, who lived at Riverby, has symbolic value and meaning for the area. He published his first significant nature essay in the Atlantic Monthly in 1865 and produced numerous articles and books about the natural world until his death in 1921. Burroughs is credited with creating a receptive environment for conservation legislation and establishing the nature essay as a literary form.

### **III. Aesthetic Significance**

The Esopus/Lloyd SASS is of Statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition.

There exists in the SASS an unusual variety of major components, a unity of major components; striking contrasts between scenic elements and a general lack of discordant features. The SASS is both visually and physically accessible to the general public, and its scenic quality is well recognized by the public. The scenic quality of the Esopus/Lloyd SASS is significant based on the existence of the following physical and cultural characteristics.

#### **A. Landscape Character**

##### **1. Variety**

The Esopus/Lloyd SASS exhibits an unusual variety of major components. The main variety lies in the topography. The SASS is dominated by a long stretch of bluffs along the Hudson

River shorelands. While this is by far the most striking of topographical features, there are also extensive areas of rolling upland behind the bluffs, exposed rock faces along the bluffs and tidal flats and shallows along the base of the bluffs.

Variety also exists in vegetation coverage. Dense and mature mixed woodlands on the rolling uplands are interrupted by a combination of farmsteads, pastures and meadows, orchards and vineyards, and landscaped estates, residences and religious institutions. The bluffs are heavily wooded. A rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks, notably at Esopus Meadows. This is a relatively large, undisturbed area of shallow, freshwater tidal flats. The diversity and abundance of wildlife and the changing patterns, colors and textures associated with the tidal flats provide a variety of ephemeral characteristics which enhance the scenic qualities of the SASS.

The land use pattern varies considerably within the SASS. There are a number of dispersed historic estates located on the bluffs above the Hudson River, surrounded by a mix of woodlands, farms, and more recent development. The architectural style of the historic estates and buildings varies considerably throughout the scenic area. This reflects the tastes of individual landowners, the long history and evolution of estates in the SASS and the long standing picturesque movement throughout the Hudson Valley.

## **2. Unity**

The Esopus/Lloyd SASS is unified by its topography, dominated by the bluffs that front the Hudson River. While internally the individual landform components vary, the SASS is a coherent geological feature. The vegetation, dominated by mature, mixed woodland, unifies the various landforms. The presence of the Hudson River is a unifying theme, shaping the topography, influencing cultural patterns and providing a common scenic element central to the SASS.

## **3. Contrast**

There are many striking contrasts between the basic scenic elements in the Esopus/Lloyd SASS. The contrasts in topography and landform are mainly one of contrast in line and form. The rolling uplands contrast with the steep bluffs. The shoreline configuration of these bluffs contrasts with the tidal flats of Esopus Meadows, the mouth of Black Creek and the numerous small points and coves. The Hudson River varies in width and depth; and its currents create varying patterns, contrasting with the surrounding uplands.

There are many textural and color contrasts within the SASS, mostly associated with vegetation and geology. The wooded areas contrast with the open meadows and orchards of the agricultural landscape and the formal landscape estates and open residential spaces. This provides contrasting textures in the landscape composition and rich color contrasts between vegetation types which change with the season. The rock composition varies within the SASS, resulting in many contrasts in surface features, textures and colors, as the natural form is

impacted by geomorphological processes such as erosion and weathering, and deposition. The contrast between the colors and texture of the water surface of the Hudson River and the surrounding vegetation and rock composition creates many and varied effects.

Certain contrasts of a more ephemeral nature are to be found in the SASS. The dramatic effects of varying weather conditions enhance the aesthetic feel of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The speed and pattern of flow of the Hudson vary with the season and weather conditions, providing contrasts in texture and color. The spring colors of apple blossom contrast with the fresh greens of new leaves. In particular, the diversity and abundance of wildlife occurring in the Esopus Meadows area and the changing patterns, colors and textures associated with the tidal flats provide ephemeral characteristics which enhance the scenic qualities of the SASS.

#### **4. Freedom from Discordant Features**

The Esopus/Lloyd SASS is generally well-preserved and free from discordant features. The main concentration of discordant features is to be found in the Highland Bluffs subunit, which historically has featured a working waterfront. Recent residential and commercial development has taken place throughout the SASS through subdivision of farmsteads and estates and along major highways. This has occurred with less respect for the topography of the area than was exhibited in the early settlement of the area, resulting in a dispersed settlement pattern and an increasing feel of suburbanization. The physical and cultural components of the SASS are generally well maintained.

#### **B. Uniqueness**

The historic estates of the Esopus/Lloyd SASS form part of a series of estates on both sides of the Hudson River throughout the Mid-Hudson Region that is unique in the State. Each estate is unique in its own right with a distinctive individual architectural style and history. Many of the estates have been maintained in their historic form. The well-preserved estates form a unique grouping of historic landscaped estates and religious buildings. Unlike other parts of the Hudson River Valley, most have direct access to the shore of the Hudson River, unrestricted by the railroad. In addition to the estates, the landscape of the SASS is comprised of farms, orchards and vineyards and represents a unique remnant of a traditional land use of the Mid-Hudson Region.

The broad expanse of tidal flats of Esopus Meadows is a unique landform in the Hudson River, and tidal flats of a comparative size are rare in other coastal regions of New York State. Their presence contributes to the scenic value of the subunit. At the border between shallow and deep water stands the only wooden lighthouse on the Hudson River, the Esopus Meadows Lighthouse, a unique maritime feature in the region.



### **C. Public Accessibility**

The land ownership pattern related to the low density development and large land holdings scattered throughout the Esopus/Lloyd SASS has resulted in few opportunities for public access. Public accessibility is mostly limited to local roads which run through the SASS. Physical access to the shoreline of the Hudson River is limited, both from the upland and from the Hudson River itself.

In the Town of Lloyd the upland parts of the SASS are separated from the waterfront by the West Shore Railroad, limiting physical access to the Hudson River. The Town of Esopus, however, is fortunate in that it is the first community north of Rockland County in which the railroad tracks move inland and do not impose a physical or visual barrier at the water's edge. This increases the opportunity for physical access to the Hudson River in the northern half of the SASS.

The vehicle pull-in off River Road, to the south of Hemlock Point, provides opportunities for public access to the Hudson River shoreline. A small park with river trails, owned by Scenic Hudson, Inc. and managed by the Town of Esopus, is located off River Road at Esopus Meadows Point. Known as Lighthouse Park, it provides access to the Hudson River shoreline. Scenic Hudson also owns waterfront land to the south of the park and has plans to develop an environmental education facility on the property. Scenic Hudson has recently completed the purchase of 142 acres of riverfront land at the mouth of Black Creek. Future plans see the site developed for passive public recreation, improving public accessibility to the subunit.

Views from within the Esopus/Lloyd SASS are extensive and significant. From much of the area, long and broad views of the river and its surrounding landscape are available. Views from the Hudson River include the historic estates, wooded bluffs, orchards, the Esopus Meadows Lighthouse and beyond the SASS to the Catskill Mountains. These views are often enclosed by the steep bluffs along the river corridor. Cross river views from the upland and shoreline of the Esopus/Lloyd SASS include the Hudson River and the Estates District SASS on the eastern shore. These views are often full and unobstructed.

River Road runs along the bluff top before dropping down to the shoreline and offers extensive views of the Hudson River and the Estates District SASS on the eastern shore. NY Route 9W provides some vistas of the Hudson River and the Estate District SASS. Unfortunately, there are no opportunities to pull off the road to take advantage of this scenery, and the speed and volume of traffic on the road makes it extremely hazardous to view while driving. The Hudson River can be seen from spots along Bellevue Road, notably in the late fall and winter when the leaves have fallen.

The most expansive views from the southern portion of the SASS are available from Highland Landing which provides exceptional views of the Mid-Hudson Bridge, the Railroad Bridge (an engineering landmark listed on the National Register of Historic Places and now under consideration for adaptation as a pedestrian promenade) and the Town and City of Poughkeepsie.

The Johnson Iorio Memorial Park is located at the end of Haviland Road, adjacent to the western edge of the Mid-Hudson Bridge and set into the bluffs above Highland Landing. The park has no access to the Hudson River and only limited views due to vegetation, although views of the Mid-Hudson Bridge are spectacular. Views are available to the west and northwest from the pedestrian walkway on the Mid-Hudson Bridge.

The Regent Champagne Cellar, formerly the Hudson Valley Winery, is open to the public for wine tours, special events and functions. The access road, Blue Point Road, winds through the historic vineyard landscape to the main building complex which is set on the bluffs overlooking the Hudson River, the Mid-Hudson Bridge and the City of Poughkeepsie. Trails on the estate lead to Blue Point, which offers expansive views south down the Hudson Valley.

The Esopus/Lloyd SASS figures prominently in the middleground of views from the Estates District SASS. Indeed, many of the finest scenic features of the Esopus/Lloyd SASS are best viewed from the river or the opposite shore. From the Hudson River, the estates and state parks and from local roads the rugged bluffs of the western shore dominate the views, with occasional glimpses of waterfront settlement, bluff top estates and agricultural activity. Views of the western shorelands are significant from the Mills-Norrie State Park and the Vanderbilt Mansion and Franklin D. Roosevelt Home National Historic Sites. The Esopus/Lloyd SASS is clearly visible to passengers in the trains on the east bank of the Hudson River. The recent completion of the Hyde Park Trail on the eastern shore linking the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites, with plans to continue to the Mills-Norrie State Park, will provide greater public visual access to SASS. The SASS is also dominant as the middleground in views to the west from the City of Poughkeepsie, which has extensive park areas and public land along the River.

The distant Catskill Mountains and the ridges of Hussey Hill, Shaupeneak Mountain, and Illinois Mountain, immediately beyond the Esopus/Lloyd SASS, provide a dramatic backdrop to the many estates and monasteries gracing the landscape. The steep wooded bluffs above the Hudson River and the rolling upland provide a dramatic setting for the numerous landscape features. The composition of the SASS is well balanced with many positive focal points including the Poughkeepsie Railroad Bridge, the Mid-Hudson Bridge, the architecture of the historic structures, the Esopus Meadows Lighthouse and the estates on the eastern shore. The variety of lengths of views, compositions, backgrounds and significant focal points combines to enhance the scenic quality of the views available in the Esopus/Lloyd SASS.

#### **D. Public Recognition**

The scenic and aesthetic quality of the Esopus/Lloyd SASS has achieved a high degree of public recognition. It receives strong public recognition as the view from River Road, a designated Scenic Road under Article 49 of the Environmental Conservation Law. The SASS is well recognized as the middleground of views to the west from the Estates District SASS on the eastern shore of the Hudson River. The numerous estates include Wilderstein, the Franklin D. Roosevelt and Vanderbilt Mansion National Historic Sites and the Mills-Norrie State Park, all

of which are visited by large numbers of the general public. The SASS is also recognized as the middleground of views to the west from the City and Town of Poughkeepsie and the Mid-Hudson Bridge, also a designated Scenic Road, and from Locust Grove and the Hudson River State Hospital both National Historic Landmarks.

There are four properties and structures in the Esopus/Lloyd SASS listed on the State and National Registers of Historic Places, receiving public recognition for their historical and architectural significance. These are the Esopus Meadows Lighthouse, Riverby, the Anthony Yelverton House and the Poughkeepsie Railroad Bridge.

The scenic and aesthetic quality of the SASS has received public recognition through the action of the State and environmental not-for-profit organizations which have sought to protect individual parcels of land within the SASS from development. Land has been purchased at Esopus Meadows and Black Creek, while the scenic qualities of the Regent Champagne Cellar have been identified in the State's recent Open Space Plan.

#### **IV. IMPACT ASSESSMENT**

Whether within or outside a designated SASS all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action could affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

Policy 24 provides that when considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

- (1) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and
- (2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

- (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

Policy 24 sets forth certain siting and facility-related guidelines to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. The guidelines are set forth below, together with comments regarding their particular applicability to this Scenic Area of Statewide Significance. In applying these guidelines to agricultural land it must be recognized that the overall scenic quality of the landscape is reliant on an active and viable agricultural industry. This requires that farmers be allowed the flexibility to farm the land in an economically viable fashion, incorporating modern techniques, changes in farm operation and resultant changes in farm structures. Policy 24 guidelines include:

**SITING STRUCTURES AND OTHER DEVELOPMENT SUCH AS HIGHWAYS, POWER LINES, AND SIGNS, BACK FROM SHORELINES OR IN OTHER INCONSPICUOUS LOCATIONS TO MAINTAIN THE ATTRACTIVE QUALITY OF THE SHORELINE AND TO RETAIN VIEWS TO AND FROM THE SHORE;**

**COMMENT:** For much of the length of the Esopus/Lloyd SASS, the Hudson River is bounded by steep undeveloped wooded bluffs that figure prominently in views within the SASS, notably from the Hudson River, and in views of the SASS from the eastern shorelands of the Hudson River, part of the Estates District SASS. Siting of structures on the slopes or crests of these bluffs would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

Esopus Meadows is a particularly critical scenic component in the northern portion of the SASS. Elimination of the shallow, freshwater tidal flats of Esopus Meadows and the marshy areas adjacent to the Hudson River shoreline through dredging, filling or bulkheading would result in a direct impact on the shoreline, the vegetation of the Esopus Meadows, and the setting of the Esopus Meadows Lighthouse, changing the character of the relationship between the Hudson River and its shorelands that would impair the scenic quality of the SASS.

**CLUSTERING OR ORIENTING STRUCTURES TO RETAIN VIEWS, SAVE OPEN SPACE AND PROVIDE VISUAL ORGANIZATION TO A DEVELOPMENT;**

**COMMENT:** The Esopus/Lloyd SASS features a low intensity pattern of development that includes a large amount of functional open space. Historic farmsteads and estate houses punctuate, but do not dominate the landscape of rolling upland pastures, orchards, vineyards, landscaped estates and woodland. Recent, poorly sited residential development has not respected the traditional patterns of development within the SASS and has disturbed the visual organization that has been established through this traditional development pattern. Further expansion of new development into the open areas of the SASS would replace the varied vegetation types, causing the textures, colors, contrast and expansiveness of the natural landscape character and their interrelationship to be lost, thus impairing the scenic quality of the SASS. The use of topography and existing vegetation and the clustering of new development can assist in maintaining scenic quality.

**INCORPORATING SOUND, EXISTING STRUCTURES (ESPECIALLY HISTORIC BUILDINGS) INTO THE OVERALL DEVELOPMENT SCHEME;**

**COMMENT:** The SASS is a unique natural and cultural landscape. The loss of historic structures would alter the cultural character of the landscape, remove focal points from views and diminish the level of contrast between the natural landscape and the cultural landscape, thus impairing the scenic quality of the SASS.

**REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;**

**COMMENT:** The SASS is generally free of discordant features, and structures are generally well maintained.

**MAINTAINING OR RESTORING THE ORIGINAL LAND FORM, EXCEPT WHEN CHANGES SCREEN UNATTRACTIVE ELEMENTS AND/OR ADD APPROPRIATE INTEREST;**

**COMMENT:** The landform of the SASS is primarily in an undisturbed state and is the unifying factor in the SASS. The contrast in elevation and the juxtaposition of water and land contribute to the scenic quality of the SASS. The failure to maintain existing landforms and their interrelationships would reduce the unity and contrast of the SASS and impair its scenic quality.

**MAINTAINING OR ADDING VEGETATION TO PROVIDE INTEREST, ENCOURAGE THE PRESENCE OF WILDLIFE, BLEND STRUCTURES INTO THE SITE, AND OBSCURE UNATTRACTIVE ELEMENTS, EXCEPT WHEN SELECTIVE CLEARING REMOVES UNSIGHTLY, DISEASED OR HAZARDOUS VEGETATION AND WHEN SELECTIVE CLEARING CREATES VIEWS OF COASTAL WATERS;**

**COMMENT:** The variety of vegetation in the SASS makes a significant contribution to the scenic quality of the SASS. The tidal flats of Esopus Meadows, open farm fields, orchards, vineyards, woodlands, and landscaped estates provide variety, unity and contrast to the landscape. The wildlife supported by this vegetation adds ephemeral effects and increases the scenic quality of the SASS. Vegetation helps structures blend into the predominantly natural landscape and plays a critical role in screening facilities and sites which would otherwise be discordant elements and impair the scenic quality of the SASS.

Clearcutting or removal of vegetation on the wooded bluffs along the Hudson River would change the character of the river corridor and impair its scenic quality. Esopus Meadows is a particularly critical scenic component in the northern portion of the SASS. Elimination of the shallow, freshwater tidal flats and the associated vegetation of Esopus Meadows and the marshy areas adjacent to the Hudson River shoreline through dredging,

filling or bulkheading would result in a direct impact on the shoreline, the vegetation of the Esopus Meadows, and the setting of the Esopus Meadows Lighthouse, changing the character of the relationship between the Hudson River and its shorelands and impairing the scenic quality of the SASS.

**USING APPROPRIATE MATERIALS, IN ADDITION TO VEGETATION, TO SCREEN UNATTRACTIVE ELEMENTS;**

**COMMENT:** The SASS is generally free of discordant elements. Existing development generally respects and is compatible with the landscape. The failure to blend new structures into the natural setting, both within the SASS boundaries and in the viewshed of the SASS, would impair the scenic quality of the SASS.

**USING APPROPRIATE SCALES, FORMS AND MATERIALS TO ENSURE THAT BUILDINGS AND OTHER STRUCTURES ARE COMPATIBLE WITH AND ADD INTEREST TO THE LANDSCAPE.**

**COMMENT:** The existing structures located within the SASS generally are compatible with and add interest to the landscape because they are of a scale, design and materials that are compatible with the predominantly natural landscape. Failure to design new development or alterations to existing structures in a form that complements the scenic quality of the SASS would adversely impact the SASS. Inappropriate scale, form, color and materials which are incompatible with the existing land use and architectural styles of the area and cannot be absorbed into the landscape composition would impair the scenic quality of the SASS. Failure to construct new buildings which are compatible with the cultural fabric of the SASS as represented in these historic structures would impair the scenic quality of the SASS.

Three subunits of the Esopus/Lloyd SASS are located within the Town of Lloyd. These are:

- EL-4 Lloyd Bluffs
- EL-5 Highland Bluffs
- EL-6 Blue Point

The scenic quality of the subunits is outlined below.

**EL-4 Lloyd Bluffs Subunit**

**I. Location**

The Lloyd Bluffs subunit is located along Crum Elbow and the western shore of the Hudson River, extending south from the Cast benchmark to the Penn benchmark. The subunit includes the Hudson River from the mean high tide line on the eastern shore, for some of its length sharing a common boundary with the Estates District SASS on the eastern shorelands of the

Hudson River, and land to the west of the Hudson River, with its western boundary running south along the viewshed of the Hudson River from the Esopus/Lloyd Town line to the junction of Red Top and Bellevue Roads, where it follows Bellevue Road to the hamlet of Highland Landing. The subunit extends approximately 3 miles along the river and is approximately one mile wide, including the Hudson River and its western viewshed. It is located in the Town of Lloyd, Ulster County and the Towns of Hyde Park and Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheet number 3 for subunit boundaries.

## II. Scenic Components

### A. Physical Character

The Lloyd Bluffs subunit consists of steep wooded bluffs rising 200 to 250 feet above the Hudson River and the rolling uplands that flank the bluffs to the west. Vegetation is varied comprising mature woodland, open fields, and landscaped estates and residences. The shoreline of the Hudson River, which is about 1800 feet wide in this area, is curving with small coves and points. The long gentle curve of Crum Elbow shapes the Hudson River as it flows past the subunit. Several small ponds and wetlands are present in the upland areas.

### B. Cultural Character

Land use in the subunit consists of an interesting mixture of well-sited historic estates, scattered residential development and open space. These estates and modern residential developments are mostly situated in a well-maintained landscaped setting of woodlands and sweeping lawns within openings in the woodland that stretches toward the Hudson River. Stone walls are an important landscape feature in the subunit. Located on the curve of the river at Crum Elbow was Father Divine's 600 acre estate known as Negro Heaven. Acquired from Howland Spencer in 1938, it was operated as a communal farming project.

The railroad tracks along the Hudson River accent the smooth curve of the shoreline. In many places, the natural rock faces of the steep bluffs have been modified to allow just enough room for the ribbon of track to fit on the narrow band of flat land along the shoreline of the Hudson River. The resulting landscape is a dramatic play of human and natural features.

The bluffs in this subunit are known as the Lange Rack cliffs, referring to the "Long Reach" of the Hudson River identified by Henry Hudson. Rowing, racing and regattas were a big sport on the Hudson River along the Lloyd waterfront. The best remembered are the Intercollegiate Regattas which continued from 1895 until 1950. Crews came from all over the East and spent several weeks in the area. Columbia University's boathouse, built on the site of the Old Knickerbocker Ice House, is a reminder of this era, although the facility has fallen into disrepair. Painted school emblems, faded with age, can still be seen on the rock escarpments above the Hudson River.

Throughout the subunit, recent residential development has taken place on the ridgeline of the

bluffs and even on the bluffs themselves, often accompanied by clearcutting. This style of development has a negative impact on scenic quality. In spite of this recent trend there are no apparent discordant features.

### C. Views

The subunit offers full, unobstructed views of the Hudson River of five miles or more in length and broader than 180 degrees, taking advantage of the Crum Elbow bend in the Hudson River. The composition of views from the subunit involves a satisfactory balance of fore, middle and background. Visible from the Hudson River are the bluffs and the Crum Elbow bend of the River. To the west the Catskill Mountains are visible and provide a dramatic distant backdrop. Views from and across the Hudson River include parts of the Estate District SASS and the Town of Poughkeepsie. The Franklin D. Roosevelt Home National Historic Site, the Culinary Institute of America, the Hudson River State Hospital (a National Historic Landmark) and the historic Poughkeepsie railroad bridge (National Register) provide significant focal points in views to the east and south.

### III. Uniqueness

The subunit is not unique.

### IV. Public Accessibility

The land ownership pattern of large land holdings and low density development scattered throughout the subunit has resulted in few opportunities for public access. Local roads offer only limited accessibility to the upland of the subunit, with no access to the bluffs and with views enclosed by woodland and topography. The subunit is highly visible from the Hudson River, the passenger trains that run on the east bank of the Hudson River and the eastern shorelands of the river which are part of the Estate District SASS and includes the heavily visited Franklin D. Roosevelt Home National Historic Site. The recent completion of the Hyde Park Trail on the eastern shore between the FDR Home and the Vanderbilt Mansion National Historic Site also provides public visual access to this subunit, as does the Hudson River State Hospital. Consult the Estate District SASS, subunit ED-27, for information regarding viewing locations.

### V. Public Recognition

Public recognition of the subunit is limited to the local population. The subunit is also recognized by the general public as the middleground of views from the Franklin D. Roosevelt Home National Historic Site on the east bank of the Hudson River.



## VI. Reason for Inclusion

The Lloyd Bluffs subunit has a variety of positive scenic components including wooded bluffs, rolling uplands and scattered estates. The wooded landscape provides unity among the components, while the cultural elements are well sited within the landscape and do not dominate the landscape. The landscaped estate openings within the wooded areas provide a moderate degree of contrast. The subunit is accessible from the Hudson River, the passenger trains that run on the east bank of the Hudson River and the eastern shorelands of the river which are part of the Estate District SASS. The subunit is recognized by the public as the important middleground views from the Franklin D. Roosevelt Home National Historic Site on the east bank of the Hudson River. There are no apparent discordant features in the subunit.

## **EL-5 Highland Bluffs Subunit**

### **I. Location**

The Highland Bluffs subunit is located along the western shore of the Hudson River. The subunit includes the Hudson River from the mean high tide line on the eastern shore. It extends from the Penn benchmark to its southern boundary at the South Base benchmark. The subunit is approximately 1.5 miles long and 1 mile wide. The subunit is located in the Town of Lloyd, Ulster County and the Town and City of Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheets, numbers 3 and 4, for subunit boundaries .

### **II. Scenic Components**

#### **A. Physical Character**

The Highland Bluffs subunit consists of steep wooded bluffs that rise 150 feet above the Hudson River. A few rock cliffs and the rock cuts for the railroad tracks accentuate the steepness. The shoreline is accented by the thin hard line of the railroad tracks. The subunit includes a small section of rolling upland above the bluffs in the vicinity of the Poughkeepsie Railroad Bridge as well as the access road to the Mid-Hudson Road Bridge, which approaches the bridge through a rock cutting. Vegetation consists of dense woodland, disturbed by clearing for residential lots. The Hudson River is approximately 2,000 feet wide along the subunit; and it's shoreline is straight, broken only by the mouth of the Twaalfskill Creek, which emerges from a steep but narrow valley.

#### **B. Cultural Character**

Land use is a mix of scattered residential development and a cluster of industrial and commercial uses at Highland Landing.

In 1754 Anthony Yelverton crossed the Hudson River from Poughkeepsie, built the first house in the area now known as Highland Landing, set up a sawmill (1765), and operated the first ferry crossing (1777). Yelverton capitalized on river trade and transportation and harnessed water power. His house still stands and is the oldest frame house in Ulster County, embodying the distinctive form and proportions of 18th century vernacular.

The Yelverton House is located on Maple Avenue, situated on a hillside a few hundred feet from the Hudson River. It is a one and a half story three bay frame structure constructed into the hillside, with a shallow horizontal orientation typical of settlement era houses in this part of the Hudson Valley. It's 18th century fabric is largely disguised by a series of 19th and 20th century improvements. These include elements from the Federal and Victorian periods and provide a unique insight into the evolution of the vernacular house over time and the local interpretation of new architectural styles. Despite the additions and alteration, the original frame of the structure is still intact, and it retains important characteristics of its type, form and period of

construction.

The Yelverton House is significant as the oldest surviving remnant of this part of the hamlet of Highland, which was known as "Yelverton's Landing" and developed into an important Hudson River landing. By 1793 Noah Elting was running a ferry to Poughkeepsie from the base of River Road. This area then took the name of Eltings Landing and became the hub of riverside activity and a populous place. Various docks and landings in the area took the names of their owners, although the riverfront area as a whole became known as New Paltz Landing. The area was called Highland Landing following formation of the hamlet.

The riverfront and inland settlements continued to grow, with residential and commercial growth being accompanied by industrial development. Warehouses, lumber and farm produce storage, stores, ice houses, factories, iron works, brickyards, stone cutting quarries, mechanic shops, woodworking mills and coal yards sprang up along the waterfront to accommodate produce and manufactured goods for shipping. The development of commercial activity in the area was influenced by the ease of transportation offered by the Hudson River. Sloops sailed from the area to New York City daily. A thriving waterfront community developed at Highland Landing.

The development of the West Shore Railroad reduced river traffic and promoted inland development. The railroad's impact meant that the character of the waterfront changed. The narrow strip of land at the base of the steep bluffs was used for the tracks, displacing the waterfront industrial, commercial and shipping activity. Over the years the growing industrial economy of inland villages was also detrimental to the competitiveness of the landing. The decline of Highland Landing was completed in 1882 when fire destroyed much of the waterfront and was further sealed with the opening of the Mid-Hudson Bridge which saw the ferry close and the landing removed from transportation routes. During his Presidency, Franklin D. Roosevelt customarily used the Highland Railroad Station when traveling between Hyde Park and Washington.

Today only a few older buildings remain of the once active 18th and 19th century commercial waterfront. Now large oil and gas tanks are clustered along the shoreline at Highland Landing. There are also a marina and restaurant on the waterfront, and small residential yards carved out of the woods disrupt the continuity of the wooded bluffs. Though generally well-maintained, the industrial shoreline development, scattered exurban residential development and marinas create considerable visual clutter.

The Poughkeepsie Railroad Bridge, built in 1888, is an important historic feature on the landscape but is a visually ponderous and rigid structure. Work on the bridge was completed in 1889. The length of the bridge is 12,608 feet with a main span of 2,260 feet. The track is 212 feet above the Hudson River. The bridge has not been in use since the first of two fires in 1974 and is currently unsafe due to lack of maintenance and fire damage. It is a landmark of American civil engineering and is listed on the National Register. The bridge is presently under consideration for adaptation as a pedestrian promenade.

The Mid-Hudson Bridge is a dominating built structure within the subunit. It was opened to the public in 1930. The suspension bridge has an overall length of 3000 feet, with a main span of 1500 feet. It carries two vehicle lanes and two pedestrian walkways. The bridge was designed by Ralph Modjeski.

Discordant features include recent suburban residential development within the historic landscape, the billboards on the approach road to the Mid-Hudson Bridge, the Highland Wastewater Treatment Plant, tank farms and residential development along the shoreline of the Hudson River to the south of the Mid-Hudson Bridge and intrusions into views from the subunit, namely a tank farm and recent residential development on the east bank.

### C. Views

The subunit offers full unobstructed views of the Hudson River, although the length of the views up and down the River is constrained by the presence of the Poughkeepsie Railroad Bridge and the Mid-Hudson Bridge. The composition of views both from the shorelands and the Hudson River is linear, influenced by the straightness of the shoreline, the presence of the railroad tracks and the dominance within the views of the two bridges. Views from the pedestrian walkway on the Mid-Hudson Bridge to the north extend to Crum Elbow and are framed by the Poughkeepsie Railroad Bridge. The composition of views lacks foreground and middleground components. The City and Town of Poughkeepsie are visible across the river. This urban skyline, along with the bridges, provides focal points and provides the backdrop to Hudson River views.

### III. Uniqueness

The Highland Bluffs subunit is not unique. However, the presence of the Poughkeepsie Railroad Bridge and the Mid-Hudson Bridge, significant transportation structures in the Hudson Valley, set it apart from other reaches of the Hudson.

### IV. Public Accessibility

The Highland Bluffs subunit is accessible via the Hudson River and local roads running through the subunit which provide visual access to the interior. Views of the shoreline, the Hudson River and the opposite shore are available from Highland Landing and the river. There are also some trails along the bluffs which are used by local residents, although they are located on private property and are not officially open to the public. The Johnson Iorio Memorial Park is located at the end of Haviland Road, adjacent to the western edge of the Mid-Hudson Bridge, and is set into the bluffs above the Hudson River. The park has no access to the River and only limited views due to vegetation, although views of the Mid-Hudson Bridge are spectacular. The subunit is visible as the middleground in views from the Hudson River, the passenger trains that run on the east bank of the Hudson River and from the City of Poughkeepsie, which has extensive park areas and public land along the River. It is also visible in views to the west and northwest from the pedestrian walkway on the Mid-Hudson Bridge, a designated Scenic Road.

## V. Public Recognition

The steep bluffs of the Highland Bluffs subunit are well known locally and are recognized as the middleground of views to the west from the City and Town of Poughkeepsie and the Mid-Hudson Bridge. The Mid-Hudson Bridge is a designated Scenic Road under Article 49 of the Environmental Conservation Law. The Poughkeepsie Railroad Bridge and the Anthony Yelverton House are listed on the State and National Registers of Historic Places, receiving public recognition for their architectural and historic significance.

## VI. Reason for Inclusion

The Highland Bluffs subunit has moderate scenic quality. The graceful Mid-Hudson Bridge is an important feature in the Hudson Valley and contributes to the scenic value of the subunit. It provides a dramatic contrast to the wooded bluffs that surround it. Although the subunit has limited variety, unity, and contrast of scenic components and the presence of discordant features along the waterfront at Highland Landing, it forms an integral part of the bluffs that unify the Esopus/Lloyd SASS from Port Ewen to Milton. It is bounded to the north and south by the Lloyd Bluffs and Blue Point subunits, which are distinctive.

## **EL-6 Blue Point Subunit**

### **I. Location**

The Blue Point subunit is located on the western shore of the Hudson River. The subunit includes the Hudson River from the mean high tide line on the eastern shore. The western boundary follows the viewshed of the Hudson River south from the Mid-Hudson Bridge access road to the telephone lines, follows the telephone lines to their intersection with NY Route 9W, then along NY Route 9W to the junction of NY Route 9W and Milton Road, where it follows Milton Road to the southern boundary of the SASS at Church Road in the hamlet of Milton. The subunit extends approximately two miles along the Hudson River and is approximately one mile wide. It is located in the Towns of Lloyd and Marlborough, Ulster County and the City and Town of Poughkeepsie, Dutchess County. Consult the Esopus/Lloyd SASS map sheet number 4 for subunit boundaries.

### **II. Scenic Components**

#### **A. Physical Character**

The subunit is comprised of tall, dramatic, curving wooded bluffs and gently rolling uplands. The bluffs rise to heights of 200 to 300 feet, and the hills reach an elevation of 350 feet in some areas. Vegetation consists primarily of dense woodland on the steep bluffs and a mix of woodland and cultivated fields, vineyards and orchards on the rolling uplands. The shoreline configuration of the Hudson River is a gentle curve that enhances the bluffs. The hard line of the railroad tracks at the River's edge accentuate the graceful curve of the shoreline. The Hudson River is about 1,800 feet wide in this area and is a very prominent feature in the subunit.

#### **B. Cultural Character**

Land use in the area is a mix of historic agriculture, recent suburban residential development and woodland. The subunit consists of an important historic cultivated rural landscape once widespread in the Mid-Hudson region. Several elegant mansions, estates and large farm complexes line the Hudson River and the rolling uplands beyond the bluffs. The surviving mix of vineyards and orchards, originally inspired by landscape architect Andrew Jackson Downing, covers the rolling upland and extends down to the Hudson River in the southern portions of the subunit. The farmland is generally well maintained, although the fields of vines off Blue Point Road around Oakes are currently overgrown and untended. The vineyard complex at Oakes is that of the famous Hudson Valley Winery, now known as the Regent Champagne Center. This 410 acre estate has developed since 1907 and features a complex of Italianate buildings. The urban structures of the City and Town of Poughkeepsie provide an element of discordance to the subunit, but do not impair the overall scenic quality of the subunit.

### C. Views

The subunit provides broad, full views of the Hudson River enhanced by the open vineyard landscape. There are long views downriver from the bluffs, but the Mid-Hudson Bridge and the Poughkeepsie Railroad Bridge block views up the river corridor. The composition of views in the subunit includes a rich foreground of rolling cultivated land, set against the urban background of the Poughkeepsie skyline. The high bluffs are important in views from the Hudson River corridor, the urban character of which stands in stark contrast to the rural nature of the subunit and is a negative element in views from the subunit, particularly from the Hudson River. The Mid-Hudson Bridge provides a positive focal point.

### III. Uniqueness

The Blue Point subunit is a unique historic landscape comprised of cultivated farms and vineyards which constitutes a unique remnant of 19th century land use in the Mid-Hudson region.

### IV. Public Accessibility:

The Blue Point subunit is accessible via local roads in the subunit and the Hudson River and is visible from the passenger trains that run on the east bank of the Hudson River, the Mid-Hudson Bridge and the City and Town of Poughkeepsie. The Regent Champagne Cellar, formerly the Hudson Valley Winery, is open to the public for wine tours, special events and functions. The vineyard's access road, Blue Point Road, winds through the historic vineyard landscape to the main building complex which is set on the bluffs overlooking the Hudson River, the Mid-Hudson Bridge and the City of Poughkeepsie. Trails on the estate lead to Blue Point which offers expansive views south down the Hudson Valley. The bluffs form a backdrop in views of the Hudson River from the City and Town of Poughkeepsie, and Blue Point is particularly prominent in the views from the city's waterfront parks, Poughkeepsie Rural Cemetery and Locust Grove, an historic site listed on the National Register and open to the public.

### V. Public Recognition

The subunit is well-known in the region. The vineyards and their associated wineries are promoted as tourist attractions. The scenic qualities of the Regent Champagne Cellar has been identified in the State's recent Open Space Plan.

### VI. Reason for Inclusion

The Blue Point subunit has a high variety of positive scenic components including historic estates, vineyards and orchards which are unified by the landform. The contrast between the wooded bluffs and the open cultivated landscape of vineyards and orchards is marked and dominates the subunit. The historic landscape of the Blue Point Subunit is comprised of cultivated farms and vineyards and is a unique remnant of 19th century land use in the Mid-

Hudson region. The subunit is generally free of discordant features and is accessible to the public via the Hudson River and local roads. It figures prominently in views from the Mid-Hudson Bridge, a designated Scenic Road under Article 42 of the Environmental Conservation Law. The subunit is also recognized as the backdrop of views to the west from the City of Poughkeepsie and its parks.



One subunit of the Estates District SASS is located within the Town Of Lloyd. Its scenic quality is described below.

## **ED-27 Franklin D. Roosevelt Home Subunit**

### **I. Location**

The Franklin D. Roosevelt Home subunit is the most southern subunit in the Estates District SASS. It includes the western portion of the Franklin D. Roosevelt Home National Historic Site as well as adjacent estates and contiguous waters of the Hudson River. The subunit extends north to include a portion of the grounds but not the main house of the Millennium Kingdom religious community, formerly the Eymard Seminary.

The southern boundary lies 500 feet south of the Maritje Kill and repeats the configuration of the Maritje Kill, then crosses the Hudson River to Crum Elbow. The northern boundary is a common boundary with the ED-25 Hyde Park Center subunit. The eastern boundary of the subunit corresponds to the edge of the developed area along NY Route 9, including the shopping center south of the historic site entrance and the suburban neighborhood north of the entrance located in the ED-25 Hyde Park Center subunit. The central portion of the eastern boundary is a common boundary with the ED-26 Franklin D. Roosevelt Home Estate Entrance subunit. In the very southern portion of the subunit, NY Route 9 is the eastern boundary. The subunit's western boundary is the mean high water line on the western shore of the Hudson River. The subunit is located in the Town of Hyde Park, Dutchess County, and in the Towns of Lloyd and Esopus, Ulster County. Consult the Estates District SASS map sheets, numbers 5 and 6, for the subunit boundaries.

### **II. Scenic Components**

#### **A. Physical Character**

The physical character of the subunit is of moderate topographic relief sloping down to the Crum Elbow section of the Hudson River. The wooded rolling bluffs and swales reach back to a 150 foot height. Dense, deciduous vegetation containing mature hardwoods is occasionally broken by estate lawns and recently restored meadows accented by specimen oaks. At the southern end of the subunit the Maritje Kill has carved a stream/ravine formation through the rolling landscape and empties into a wetland east of the railroad tracks.

Curving to the southwest in this area, the Hudson River narrows dramatically to a width of about 1,800 feet and increases in depth and rate of flow as it courses past the higher hills and bluffs of Crum Elbow. The indentation of Roosevelt Cove extends the water surface to the east of the railroad embankment in the south central portion of the subunit.

## B. Cultural Character

The cultural character of the subunit consists predominantly of historic homes and religious institutions. Central to the subunit's identity is Springwood, the birthplace of Franklin D. Roosevelt, 32nd President of the United States. President Roosevelt was raised here, and in 1905 he brought his bride Eleanor here. It is now their final resting place. A National Historic Site since 1944 when President Roosevelt gave it to the nation, the estate is rich in symbolism, as it was the site of many historic events associated with the Roosevelts and played an important role in their lives. For over seventy years this landscape was shaped by Franklin and his parents. Today, it continues to inspire the many thousands of people who visit the site each year because of its scenic beauty and its close association with the lives of these two great world figures.

The main house has undergone many renovations and is now a Georgian Revival mansion, the result of major remodelling of an earlier Italianate frame house. The architects of the transformation were F. V. L. Hoppin and Terrence Koen, formerly designers in the firm of McKim, Mead & White. The Franklin D. Roosevelt Library and Museum, which are not part of the Historic Site, are located nearby. Maintained by the National Park Service, the property is in an excellent state of upkeep.

The wooded portion of the historic site is accessible via paths and carriage roads that are now part of the Hyde Park Trail. The carriage road which connects Bellefield Mansion, located in the adjacent ED-26 Franklin D. Roosevelt Home Entrance subunit, and Crum Elbow Point is particularly scenic. Specimen trees line the road, and stone walls, bridges, culverts and the road bed add textural interest to the corridor. Other paths rise and fall across rolling terrain and intermittent streams, approaching the Hudson in some places to offer water views and dipping into hollows filled with wetlands and their associated vegetation and wildlife.

North of the Roosevelt property lies the extensive Morgan property. Protected by a conservation easement held by Scenic Hudson, Inc., the property will remain primarily undeveloped.

Located in the northern portion of the subunit is the former Crumwold Hall, recently called Eymard Seminary and now part of the Millennium Kingdom religious community. Built in 1889, the Romanesque granite main house was designed by Richard Morris Hunt. Only 20 acres remain of the original estate, the rest having been subdivided.

Although the railroad embankment and the new buildings at the national historic site introduce more modern elements into the landscape, they are not discordant features. The railroad embankment is visible only in views from the water and is not of sufficient scale to significantly impact those views. The new buildings of the national historic site are well designed and unobtrusive.

### **C. Views**

The views available from the Franklin D. Roosevelt National Historic Site are focussed to the west and southwest by the topography, vegetation, and designed estate landscape. Recent restoration of the original landscape design includes meadows which historically enhanced the composition, breadth, and extent of views from the subunit. Photographs in the collection of the Franklin D. Roosevelt Library show the Roosevelts sitting on the spacious lawn enjoying the views. The Catskill Mountains do not play as prominent a role in these views as they do in most other portions of the Estate District SASS. Instead, the dramatic sweep of the river through Crum Elbow and the tall, wooded bluffs and hills on the opposite shore, part of the Esopus-Lloyd SASS, figure prominently in views from the subunit.

Views from the Hyde Park Trail are primarily interior views of the woodlands, streams and wetlands found in the rolling terrain. Carriage roads, stone walls and bridges and significant trees constitute focal points. An occasional glimpse of the Hudson is available, except at Crum Elbow Point which offers sweeping views of the river and western shorelands.

Views from the Hudson River are primarily of the wooded shorelands, embellished with the curving shoreline of the dominant Roosevelt Cove and the lawns and main house of the Roosevelt Home. Views from the trains are constrained by the bluff and consist mainly of the Hudson River and Roosevelt Cove.

### **III. Uniqueness**

The Franklin D. Roosevelt Home National Historic Site subunit is unique. It includes a publicly accessible historic site of international significance designed to take advantage of its highly scenic location.

### **IV. Public Accessibility**

Although the national historic site is open to the public and receives large numbers of visitors, visual access to many areas of the property remains limited due to extensive forest cover and the relative remoteness of key viewpoints. However, historic views across the lawns to the southwest, which were often enjoyed by President and Mrs. Roosevelt, have been restored. Carriage roads on the national historic site are part of the Hyde Park Trail which crosses the private property in the subunit on its way north to the Vanderbilt Mansion National Historic Site in the ED-24 Vanderbilt Mansion subunit. The trail lies near the Hudson River and provides views of the interior wooded landscape and occasional glimpses of the Hudson River. The land that is in private ownership is otherwise not accessible. Visual access to the eastern shorelands is available from the Hudson River and its western shore.

### **V. Public Recognition**

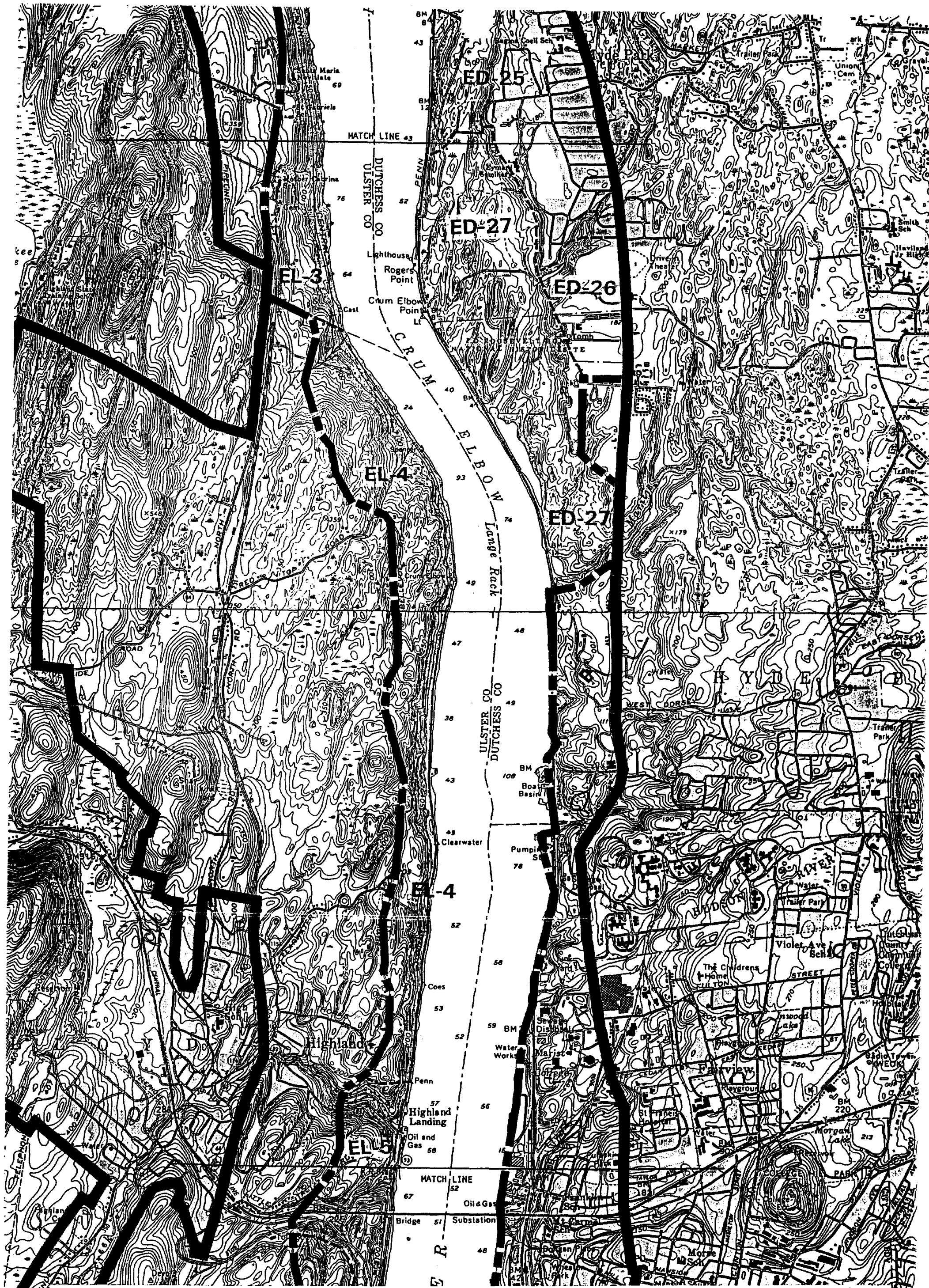
Public recognition of the subunit is extremely high. The Franklin D. Roosevelt Home is a

National Historic Site of international significance. The conservation easement that protects the Morgan property to the north of the Historic Site and the Hyde Park Trail are also evidence of public recognition of the subunit's scenic quality. Development of the Hyde Park Trail has involved leaders and organizations from the local and regional community as well as State and federal agencies.

#### VI. Reason for Inclusion

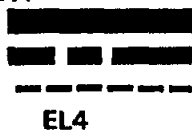
The Franklin D. Roosevelt Home National Historic Site subunit is included in the Estates District SASS because it is a highly distinctive subunit. While the physical setting and architectural design of the National Historic site are above average but not exceptional, Springwood's exceptional historic value, recognition, symbolism and public accessibility make it one of the Hudson's most significant, unique and valued landscapes.

The subunit exhibits a moderate variety of landform and vegetation because of the uniform forest cover. The buildings on the Franklin D. Roosevelt Home Historic Site contrast with the expanded meadows, the landform and the Hudson River. The woodlands and the river unify the landscape composition which is generally free of discordant features. The subunit is accessible to the public via the Hudson River, the public ownership of the National Historic Site and the Hyde Park Trail. The subunit is publicly recognized through the National Historic Site designation and the development of the Hyde Park Trail.



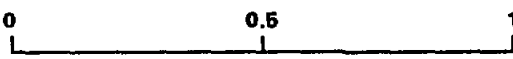
**ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 3**

KEY:



Coastal Area boundary  
 Scenic Area boundary  
 Subunit boundary  
 Subunit identifier

SCALE:



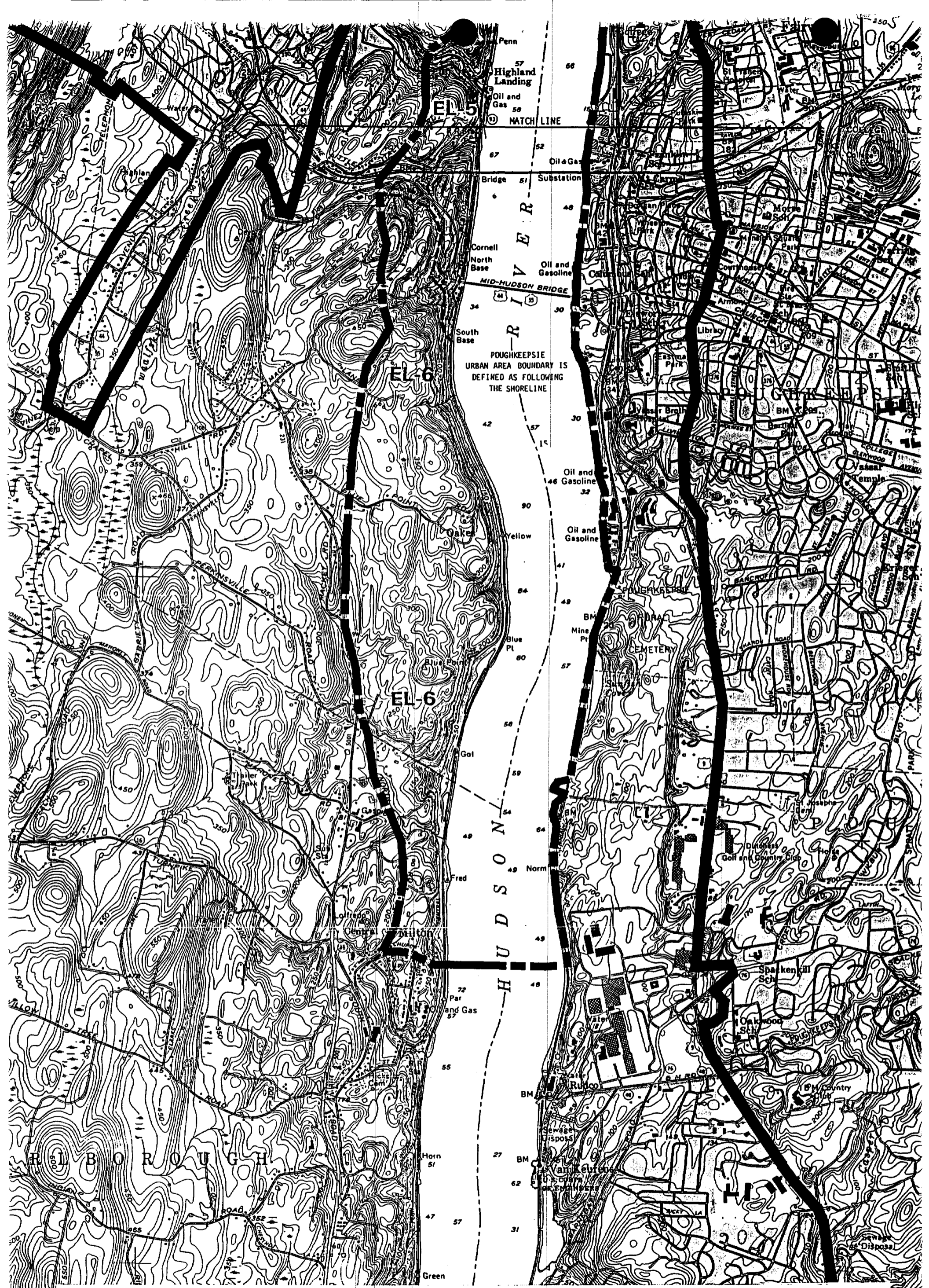
Miles



New York State Department of State, Division of Coastal Resources and Waterfront Revitalization




November 1992





POUGHKEEPSIE URBAN AREA BOUNDARY IS DEFINED AS FOLLOWING THE SHORELINE

**ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 4**

<b>KEY:</b>	<b>SCALE:</b>	
	Coastal Area boundary	0
	Scenic Area boundary	0.5
	Subunit boundary	1
<b>EL6</b>	Subunit identifier	Miles

New York State Department of State, Division of Coastal Resources and Waterfront Revitalization November 1992

**APPENDIX B**

**POUGHKEEPSIE DEEPWATER COASTAL  
FISH AND WILDLIFE HABITAT**

## **APPENDIX B**

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

#### **BACKGROUND**

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

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

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

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



## **POUGHKEEPSIE DEEPWATER HABITAT**

### **HABITAT DESCRIPTION**

The Poughkeepsie Deepwater Habitat encompasses a fourteen mile stretch of the Hudson River extending from the Villages of West Park in Ulster County and Hyde Park in Dutchess County south to the hamlet of Marlboro in Ulster County. Towns with jurisdiction included in the area are Hyde Park, Poughkeepsie, and Wappinger, Dutchess County; and Esopus, Lloyd and Marlborough, Ulster County (7.5' Quadrangle: Hyde Park, N.Y., Poughkeepsie, N.Y., and Wappingers Falls, N.Y.). The important fish and wildlife habitat is a nearly continuous river bottom trench, from 30 feet deep to the bottom. Most of this area has water depths of 50 feet or greater including a small area in the "Crum Elbow" section of the river which exceeds 125 feet in depth.

### **FISH AND WILDLIFE HABITAT**

Deepwater estuary areas such as the Poughkeepsie Deepwater Habitat are rare in the eastern United States. The Hudson River is the only river in New York State that contains this ecosystem type.

Deepwater areas provide wintering habitat for shortnose sturgeon (E), and support an unusual diversity of marine species in the Hudson River. Shortnose sturgeon also use this area as spawning grounds. Yolk-sac shortnose sturgeon larvae have been collected from this region at depths of 45 feet to 120 feet. Although habitat requirements of this species in the Hudson River are not well known, it is believed that these deepwater areas may be critical throughout the year. A variety of estuarine and marine species appear in numbers in this area, including bay anchovies, silversides, bluefish, weakfish, and hogchokers.

The abundance of shortnose sturgeon and these other estuarine species is unusual in New York State. However, commercial or recreational uses of fish and wildlife in this area are not known to be significant.

### **IMPACT ASSESSMENT**

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

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

In order to protect and preserve a significant habitat, land and water uses or

development shall not be undertaken if such actions would:

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

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

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

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

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

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

Although not comprehensive, examples of generic activities and impacts which could destroy or

significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Activities that would substantially degrade water quality, including changes in temperature, turbidity, or freshwater to saline distribution, would result in significant impairment of the habitat. This area may be especially sensitive to discharges of municipal or industrial wastewater, sewage effluents, and agricultural runoff.

Major reduction in overall depths along this deepwater trench would also have adverse effects on the endangered shortnose sturgeon utilizing the area. Of particular concern is a past practice of using portions of the deepwater trench as a dredge spoil dumping site. Activities such as this must be controlled to avoid interference with use of the area by shortnose sturgeon. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

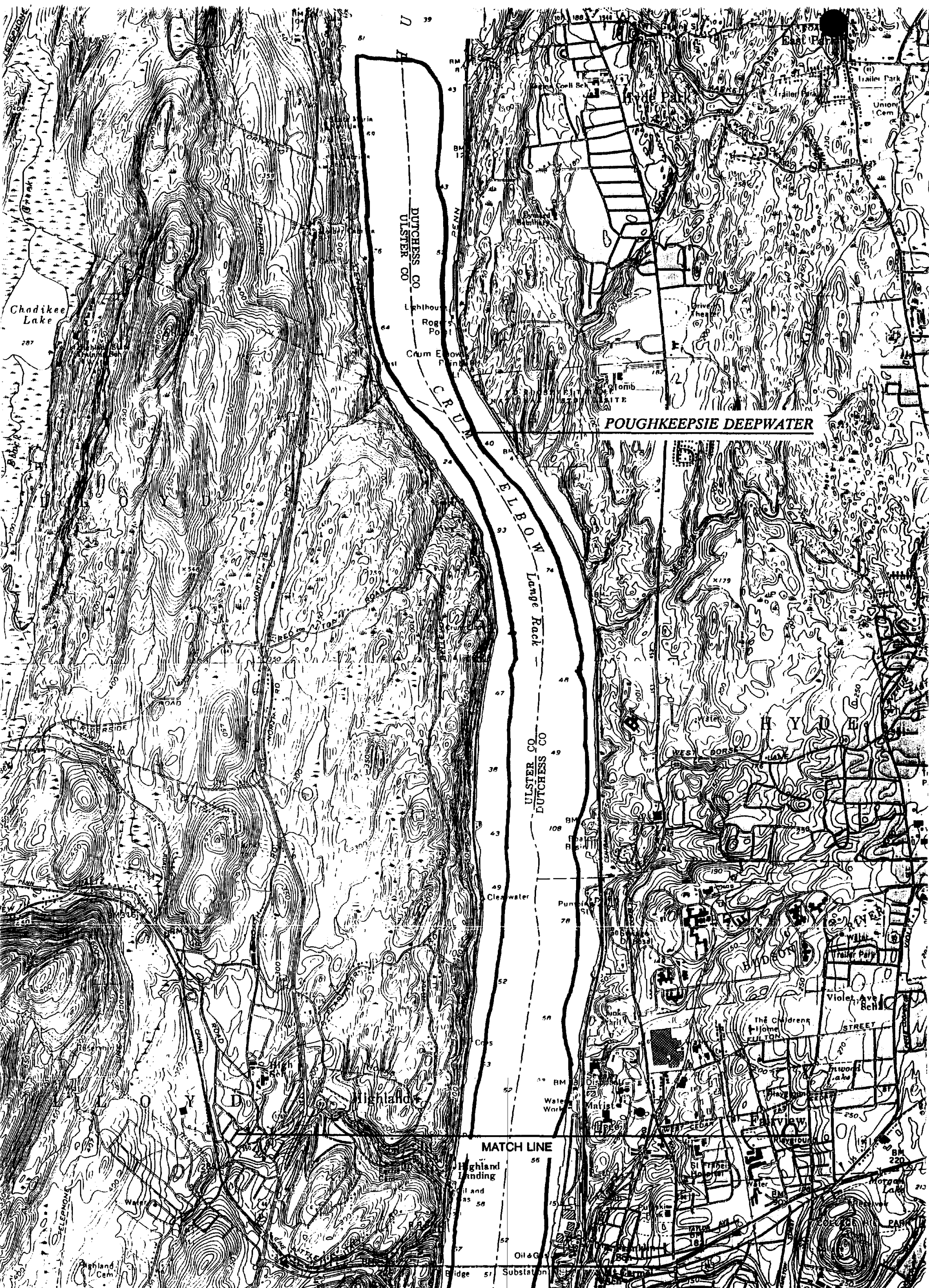
### **KNOWLEDGEABLE CONTACTS**

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Fisheries Manger  
NYS DEC, Region III  
New Paltz, New York 12561  
Telephone: (914) 255-5453

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

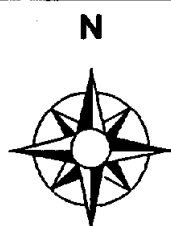


**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

**Poughkeepsie Deepwater (in part)**

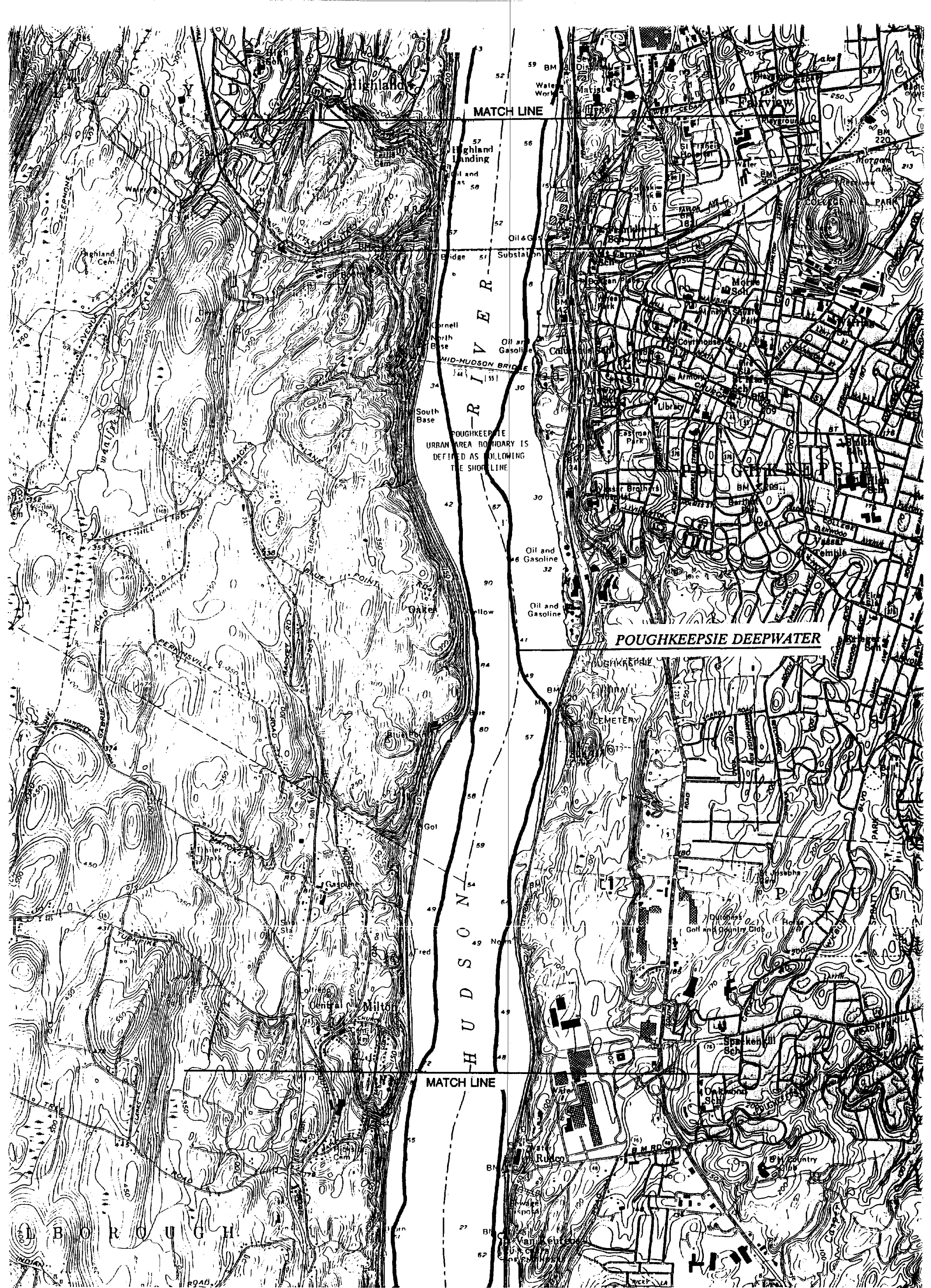
New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Miles



Prepared by T. Hart and G. Capobianco September 1990



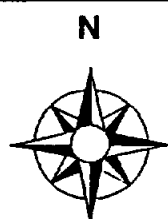


**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

**Poughkeepsie Deepwater (in part)**

New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Miles



Prepared by T. Hart and G. Capobianco September 1990

**APPENDIX C**

**GUIDELINES FOR NOTIFICATION AND REVIEW  
OF PROPOSED STATE AND FEDERAL ACTIONS**

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

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

**I. PURPOSES OF GUIDELINES**

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

**II. DEFINITIONS**

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

policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
  3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

### III. NOTIFICATION PROCEDURE

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



#### IV. LOCAL GOVERNMENT REVIEW PROCEDURE

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

#### V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
  - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.

2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

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

**DIRECT ACTIONS**

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

**PERMIT AND LICENSE ACTIONS**

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

4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

#### FINANCIAL ASSISTANCE ACTIONS

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

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.