

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.

- h) 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.

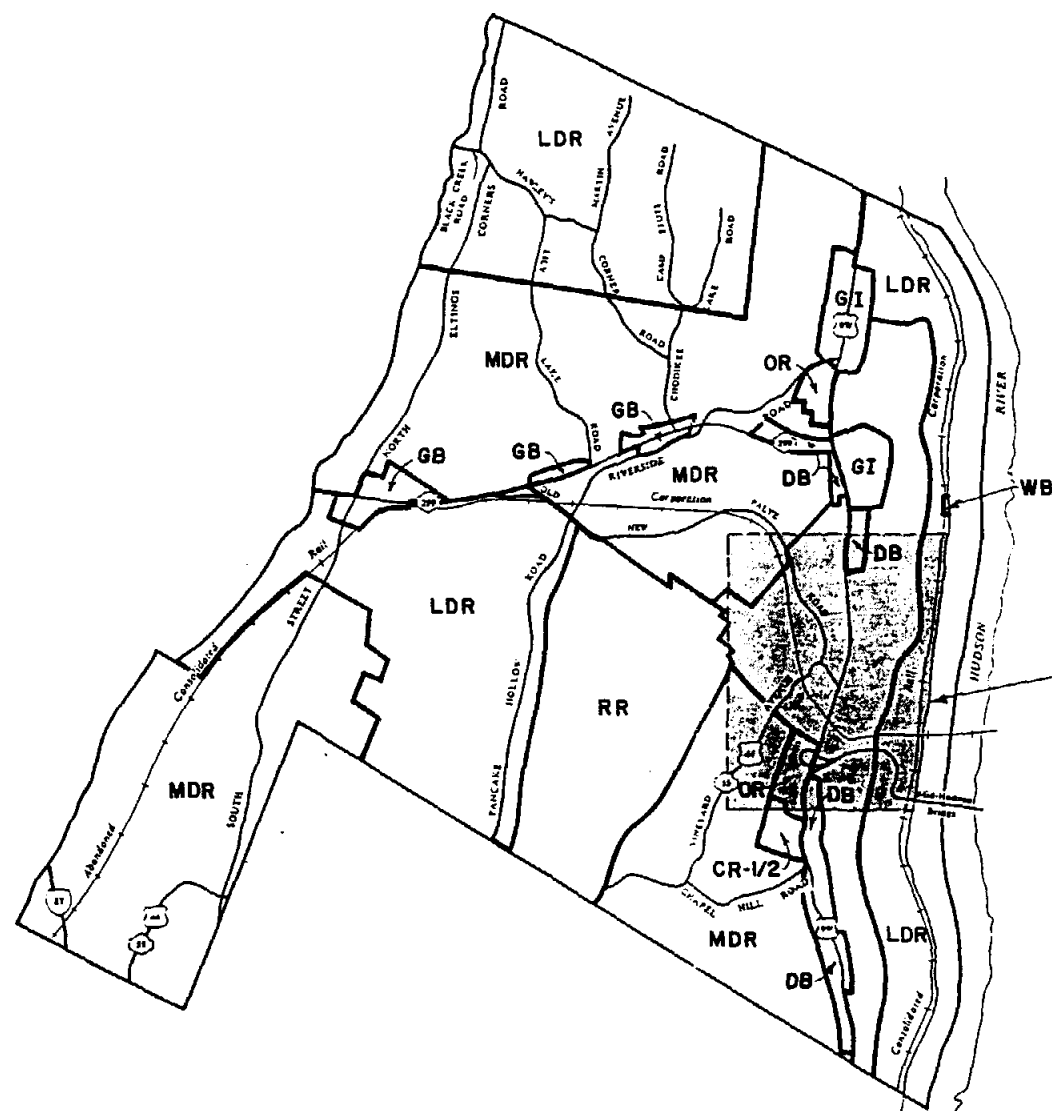
The cost estimate of developing such a Parks and Recreation Plan is \$5,000.

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.



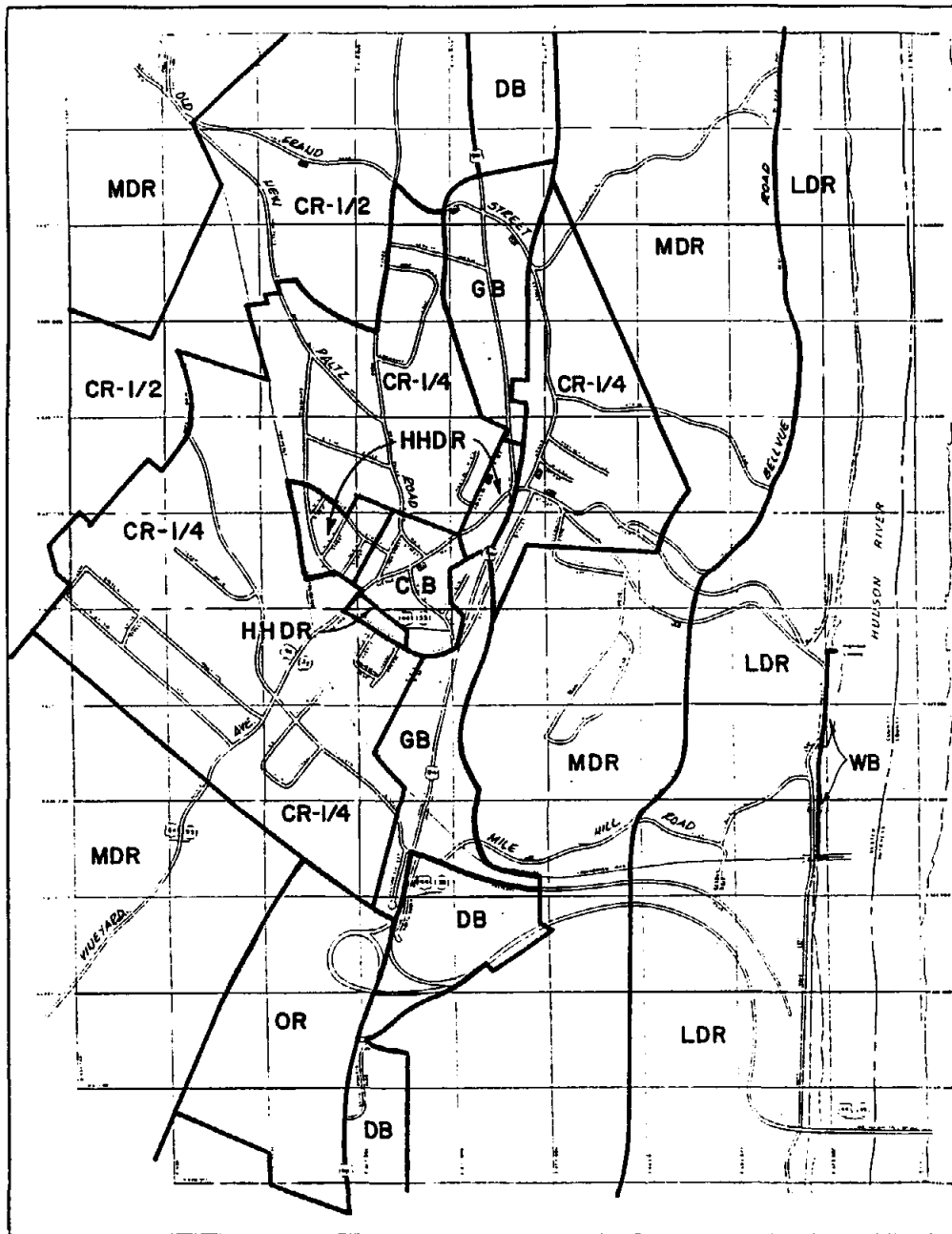
See HIGHLAND AREA map for land uses in shaded section.

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

RUDIKOFF & RHODE, INC.	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

RUDIKOFF & RONDE, INC.	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
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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 SEQRA 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

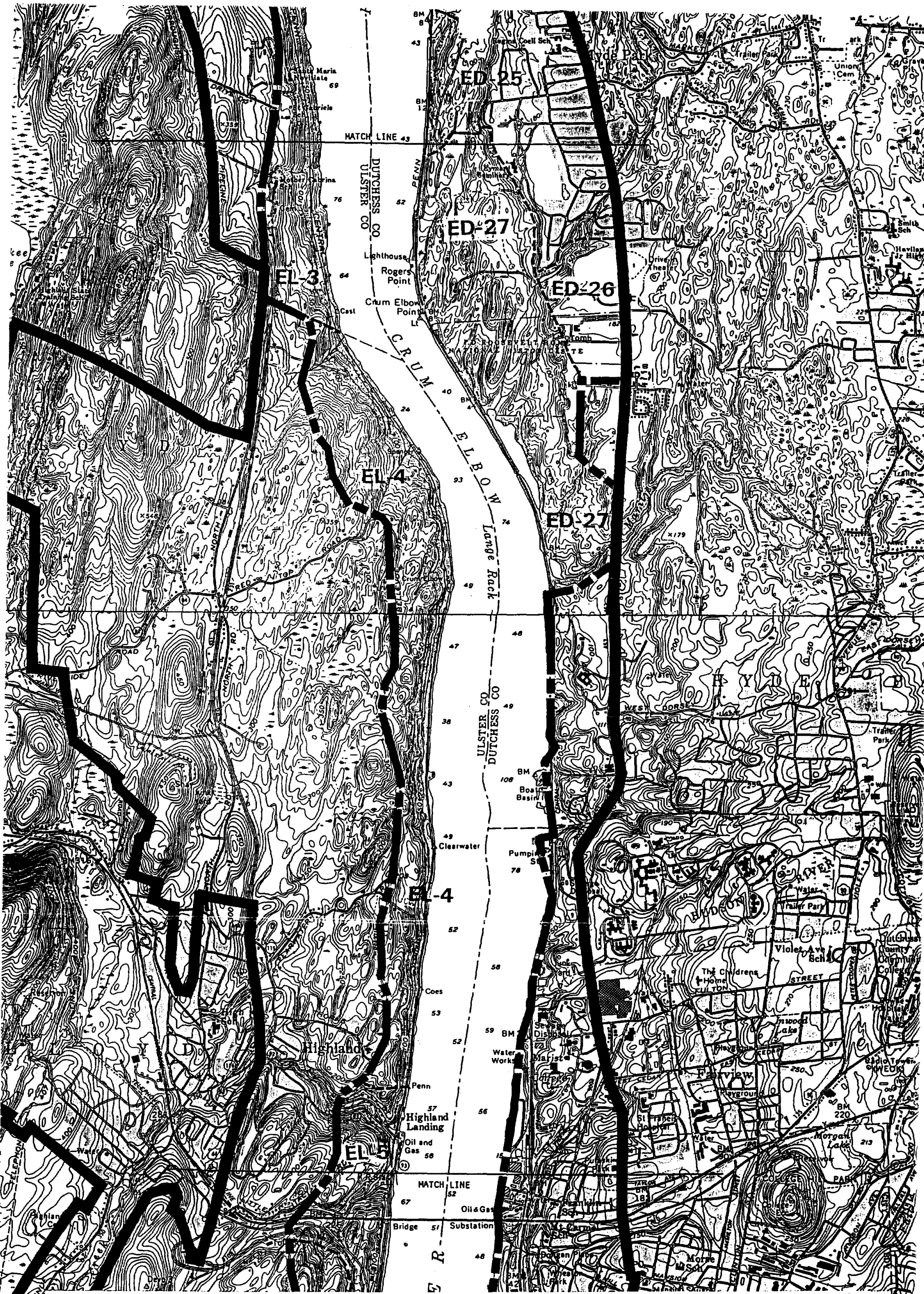
Public recognition of the subunit is extremely high. The Franklin D. Roosevelt Home is a

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

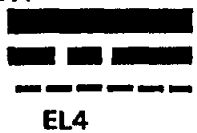
The Franklin D. Roosevelt Home National Historic Site subunit is included in the Estates District SASS because it is a highly distinctive subunit. While the physical setting and architectural design of the National Historic site are above average but not exceptional, Springwood's exceptional historic 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.



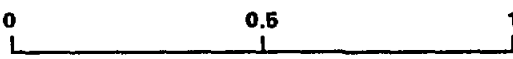
ESOPUS/LLOYD SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 3

KEY:



Coastal Area boundary
 Scenic Area boundary
 Subunit boundary
 Subunit identifier

SCALE:

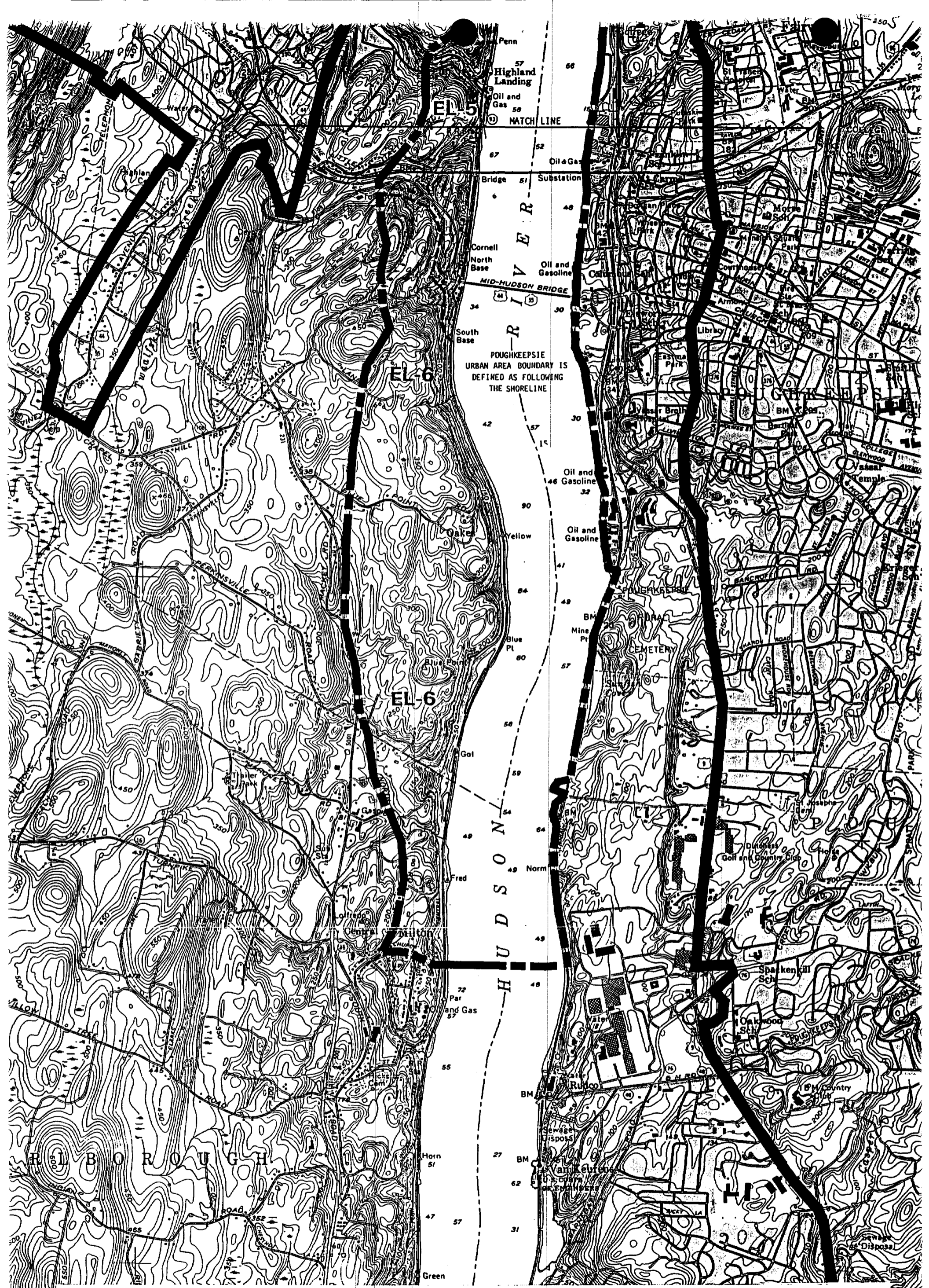


Miles






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

KEY:	SCALE:	
	Coastal Area boundary	0 0.5 1 Miles
	Scenic Area boundary	
	Subunit boundary	
EL6	Subunit identifier	


 November 1992

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

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.

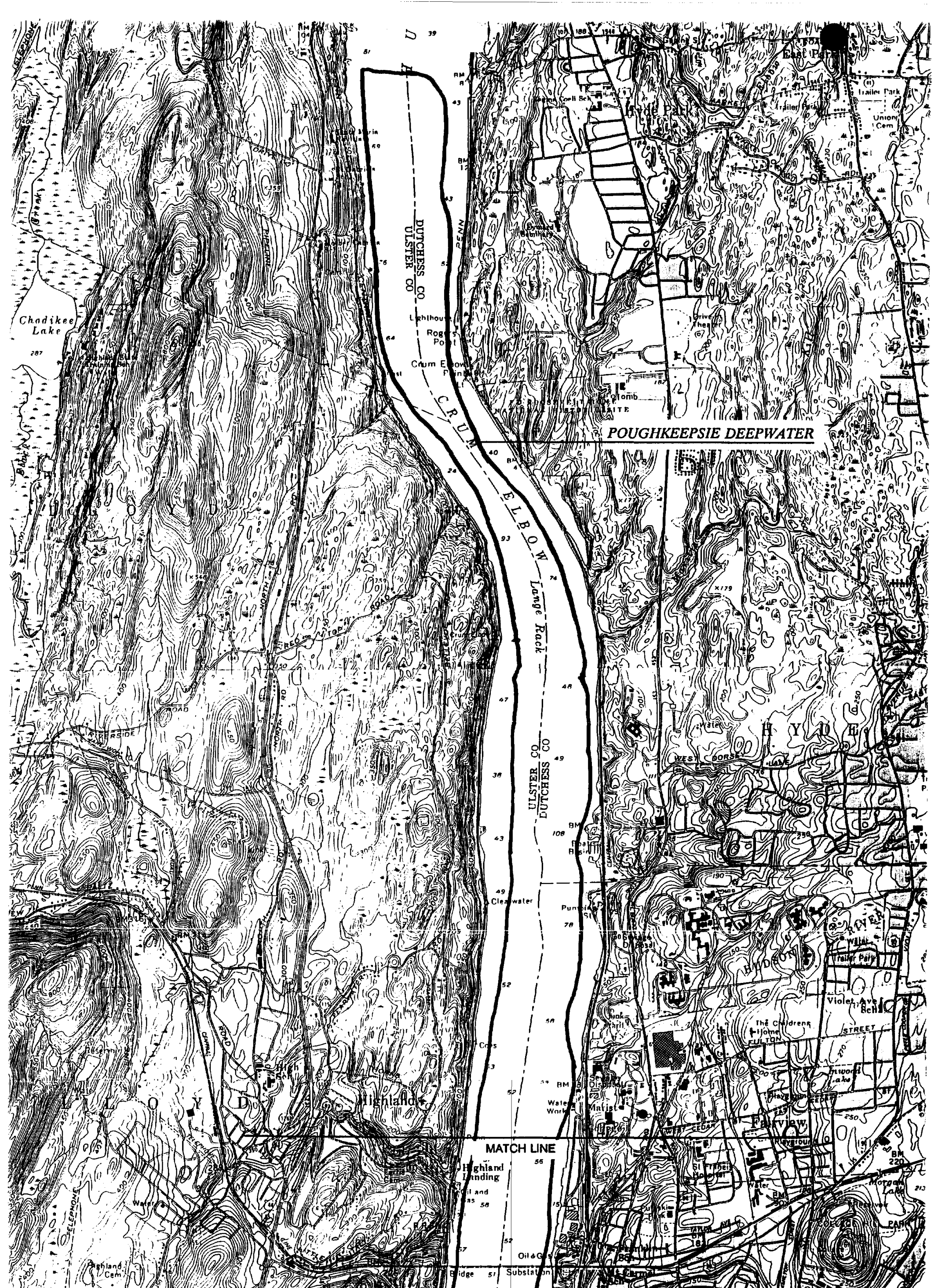
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SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

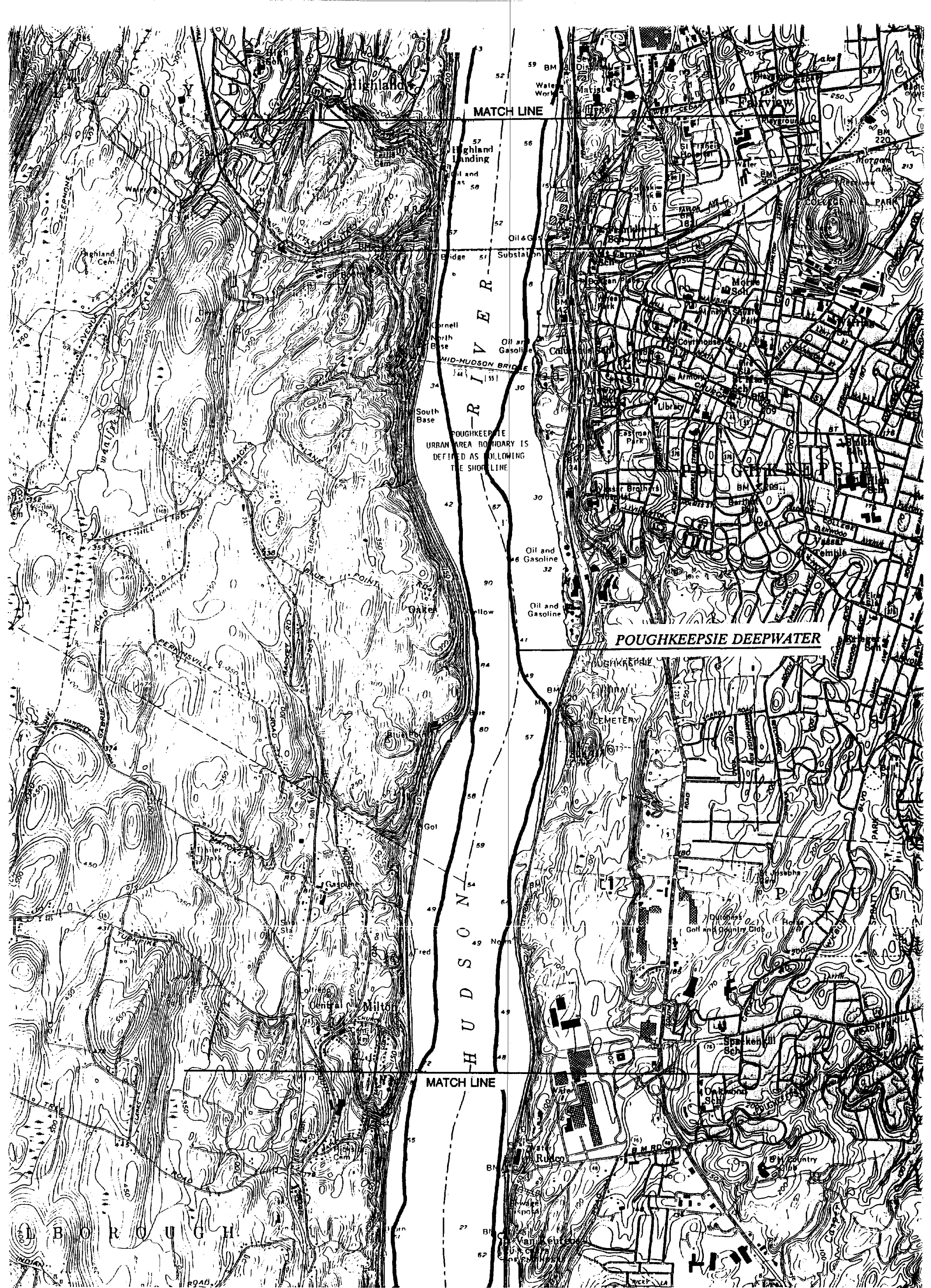
Poughkeepsie Deepwater (in part)

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

Miles



Prepared by T. Hart and G. Capobianco September 1990

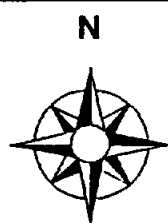


SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Poughkeepsie Deepwater (in part)

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

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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.