SECTION III

LOCAL AND STATE POLICIES

A major task of the Local Waterfront Revitalization Program is to determine the applicability of the various State coastal policies to Piermont's objectives and then to express relevant Village policies as they may apply to the various State policies.

The State policies are stated first, and additional relevant local policies are listed with capital letters. The policies of the State Coastal Management Plan form the basis of the local program. Where a State policy is not applicable, it is so stated.

A brief explanation of policies and the criteria guidelines or standards that are or will be used to evaluate compliance is incorporated into the policy discussion.

The policy statements reflect either policies, plans or programs that are already in place or are a basis for future projects or programs. In assessing each of these policies, the Piermont Planning Board, the Village Agency that prepared the LWRP in close consultation with the Village Board and in conjunction with a planning consultant, considered the following guidelines:

1. What specific local application does this policy have?

    a. affected sites
    b. local concerns

2. What specific local policies and/or legislation affect this policy?

    a. land use policies
    b. local ordinances
    c. others

3. What additions and/or changes should be proposed to enhance this policy?

    a. local policies
    b. local procedures
    c. local ordinances

4. What facilities should be proposed to augment this policy?

    a. private
    b. public

DEVELOPMENT POLICIES

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

POLICY 1A **REVITALIZE THE EXISTING COMMERCIAL WATERFRONT FROM THE TAPPAN ZEE MARINA TO PARELLI PARK BY RESTORING AND MAINTAINING ADEQUATE LOW TIDE WATER DEPTH FOR BOATS USING THE MARINAS AND BOAT CLUBS.**

POLICY 1B **ENCOURAGE THE IMPROVEMENT FOR RECREATIONAL USE OF EXISTING UNDEVELOPED LAND ALONG THE SHORELINE, WITH USE INTENSITY DEPENDENT UPON LOCATION AND TYPE OF LAND. SEE ALSO POLICY 7.**

POLICY 1C **REMOVE SUNKEN BARGES AND OTHER OBSTACLES TO NAVIGATION.**

Explanation of Policies

The survival of the existing commercial waterfront with marinas and yacht clubs providing slips for close to 500 boats is threatened by the ongoing rapid siltation and shoaling of Piermont Bay experienced in the period following construction of the Tappan Zee Bridge. In order to maintain access for medium draft boats throughout the tidal cycle, the natural channel created by the flow along the north side of the Piermont Pier needs to be marked and maintained by periodic dredging. This is the top priority objective of the Village waterfront policy.

The industrial site at the base of the Pier has historically been the economic heart of the Village and its continued vitality in the center of the Village is important. The changing nature of industrial operations is such that the site is no longer suited for industrial purposes. The Village has approved a zone change for a mixed use development.

In considering the planning and design of the Village and the project, the following areas of concern have been identified:

1. Population growth, and attendant possible changes in economic mix and diversity, the need to maintain a sense of community within the Village, the need to absorb new population and organizations, requirements for services, increased traffic demands.

2. Commercial growth, leading to revitalization of existing commercial area, creation of a logical extension of our old downtown into vital new squares and blocks, maintaining and

opening up new river views, and adding life and diversity to the downtown. The size of the new commercial areas must be limited by traffic considerations and by the need to develop a balance between commercial and residential aspects.

a. Additional structures that do not add population or increase external traffic could well be acceptable in commercial areas. Examples of such uses include municipal or public buildings, or other uses consistent with the other coastal policies.

b. The only residences in the new commercial area on the Pier are the 25 second story affordable rental units. More residential units would improve the balance, and extend the amenity of village life in the old downtown to the new area. Nevertheless, demographic considerations govern overall population growth, and an overall density of 7.5 dwelling units/acre, is the maximum allowed.

3. Vistas and screening. Views identified as valuable by the community shall not be degraded. At the eastern end of the pier, screening and viewshed considerations mandate that no additional structures, beyond those now approved, permitted at any time east of Buildings 28 and 41. Such additions would only be harmful and visual impacts could not be mitigated.

4. Interaction with the natural environment.

New construction will comply with all Village, Town, County, State and Federal environmental regulations and statutes regulating activities related to air quality, water quality and land use. These regulations are particularly relevant because of the proximity of the project to the Hudson River and the Hudson River Estuarine Sanctuary.

5. The critical constraints on new development include traffic and parking for commercial uses, demographic growth for residential uses, the need to meet viability of the commercial area, and the need to comply with Village and State goals on waterfront redevelopment and concern for the natural environment.

6. Viability of the retail/commercial sector. It is important for Village goals that problems involving empty storefronts and potential hardship applications do not arise from excessive new commercial development and that new retail/commercial development be economically viable. There are several aspects of viability that must be considered.

a. Winter boat storage and boat servicing and repair. A survey of the market for such a facility shows there is sufficient demand, and insufficient alternate winter storage facilities. The factors guarantee viability of this use as a profitable operation.

b. Rental of Office Space. There is a shortage of office space in Piermont and in this section of the river area. Studies show that there is enough need for quality office space to make that use viable.

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

POLICY 2A **EVALUATE THE IMPACT ON THE VILLAGE OF LARGE SCALE WATER-DEPENDENT USES TO DETERMINE WHETHER THE SCALE OF VARIOUS IMPACTS IS BEYOND THE LEVEL APPROPRIATE FOR PIERMONT, OR IS BEYOND THE LEVEL APPROPRIATE FOR PIERMONT.**

Explanation of Policies

The traditional method of land allocation (i.e., the real estate market, with or without land use controls) offers little assurance that uses which require waterfront sites will, in fact, continue to be accommodated on the Village's waterfront or will be able to expand their operations.

The Village of Piermont owns extensive underwater rights in the Hudson River, immediately to the north of the Pier Peninsula and east of Parelli Park. The Village also owns the coastal strip adjoining this underwater property. Development and use of these underwater rights, to increase access to the Hudson and to generate revenue for the Village, has been a goal of the Village since the coastal strip was deeded to the Village by Continental Can Corporation in 1973.

It is estimated that the water properties can accommodate approximately 700 slips. The Village has commissioned an economic feasibility study of a marina of various size levels, and various modes of operation. The full report is not yet complete, but preliminary data already dictates certain conclusions discussed below, along with various development, economic, social, and quality of life factors.

A. Development Requirements.

(1) A new marina will have to support its own dredging costs, which will be substantial. Dredging will be required to clear the natural channel that runs parallel to the Pier Peninsula.

(2) Breakwater and/or dolphins will be required. Finger piers and an east-west floating walkway must be provided. Each slip should be provided with an umbilical with lines for power, water, cable, and communications.

(3) Given the heavy infrastructure costs, economic analysis indicate that a marina can only make financial sense as a top-scale, full-service, luxury marina. Thus, there must also be a marine fuel station and a pump-out station. The Village of

Piermont is now working on legislation requiring craft that dock at the Piermont Pier to keep a log sheet showing date of last pump-out.

B. Ownership and Operation

The economic analysis provided by the Village's consultant shows that the heavy infrastructure costs preclude operation of a marina, at any size up to 700 slips, on an annual slip rental basis. The marina operation does make economic sense if it is organized as a "dockominium". The Village is unwilling to sell its water-shed rights outright, so the dockominium purchaser would actually be purchasing a long-term lease made to bearer, and thus saleable or otherwise assignable.

The Village would operate the marina in partnership with a commercial marina operator. Revenues to the Village would derive from lease sales and a share in ongoing operations.

The Village Board has determined that no attempt to create a marina on Village owned land or water rights will be made before:

(1) The Carlyle project is in full operation. This will give the Village residents and government a clear idea of the base level of commercial activities the marina would then add to.

(2) A referendum is held and the majority of villagers voting decide to pursue the feasibility of the marina.

Of course, once a decision to investigate a marina possibility is made, a SEQRA process will be opened to conduct the investigation.

C. Environmental Concerns

(1) Water Impacts.

It is obvious that approval of such a marina would require an extensive environmental study. Permits for dredging, breakwaters, dolphins, and river use would be required.

(2) On-Land Impacts.

The most important on-land impact of the marina would be traffic. All traffic to and from the marina must traverse residential streets whose ability to tolerate traffic without destroying residential character is even lower than their limited traffic-bearing capacity. The marina would be located at the heart of the downtown commercial area, adjacent to the principal business district and to the Carlyle property. In conducting the SEQRA study for the Carlyle project, the

Village required Carlyle to study the total long-term traffic growth of the Village, not just Carlyle's contribution. Since it was a cardinal principle of governance of the Carlyle development that it could not preclude a Village Marina at maximum possible numbered ships, the Carlyle study had to consider the combined traffic load due to:

a) Existing residential development
b) Carlyle's residential development
c) Additional residential development due to infill on unbuilt lots in the Village under existing zoning
d) Existing commercial development
e) Carlyle's commercial development
f) Growth in intensity of usage of existing commercial development due to commercial revitalization in presence of Carlyle project
g) Commercial infill on unbuilt lots zoned commercial
h) Operation of a 700 slip Village Marina.

Further, the allowed traffic level shall meet criteria involving the preservation of residential amenities on the streets it flows through, as well as meeting standard flow criteria. Such analysis must be made as a maximally conservative basis. ITE flow generation standards were employed for each use, and the assumption made that each use generates independent trips. That is, each car arriving brings its passengers to a single destination. A visitor arriving for a day at the marina who also eats at a restaurant must be counted as two trips.

Parking, however, can be apportioned on a shared basis, again using standard ITE data. It is contemplated that, at some point, Carlyle will be required (either by its own imperatives, or mandated by the Village) to charge for its parking (which would be free for village residents and patrons of the businesses). Carlyle will have enough summertime parking so as not to preclude marina operations up to a 700 slip launch. (The number 700 is an estimate of maximum possible number of slips. No attempt has been made to set an actual number.) Use of the number 700 meant that the Carlyle EIS had to deal with maximum potential impacts.

The Village will continue to own its underwater rights even though the Village Board may decide against investigating a marina at any particular point in time. The traffic allowances for a marina should be reserved as long as the potential for a marina exists.

D. Relation to Carlyle Project

As a condition of the Carlyle project, Carlyle is required to re-use the sound and adaptable factory structures. (They were previously identified as a survey jointly paid for by the Village and the Clever Park Corporation). This requirement is motivated by

a desire to preserve a link to the Village's past, both historically and visually. Two major structures, Building 28 and Building 41, were so preserved.

Building 28 shall be used for residents, parking, and accessory storage. Building 41, originally a 125,000 square foot one story warehouse, shall be reduced to 90,000 square feet, and used for winter boat storage generated by other Piermont marinas, by marinas in the area outside the Village, and for boat maintenance and repair. Many of the boats that will use it will be launched and re-berthed by a negative fork lift at the seawall, eliminating the need to move them through Village streets. Winter boat storage produces only several car trips per year per boat, and so produces only a tiny traffic impact. Further, the interior space shall be used for parking during the boating season, since the space will then be available, and Piermont experiences more commercial traffic during that season.

Easements across Carlyle property needed for the Village marina will be incorporated into the site plan as stated in the Findings Statement for the Carlyle zone change SEQRA review.

E. Decision Procedure on the Village Marina.

The Carlyle project has now received its zoning change, but is still about three years from completion. It will result in a 25% growth in population in the village and a 100% increase in commercial activity. Naturally, all villagers are concerned about this impact; and, as thorough as the studies were, studies necessarily produced only estimates of impact, and no one in Piermont yet knows what the results will be like to live with in actual experience. Thus, there is great reluctance to authorize a final go ahead on any scale of a Village marina until the actual impact of the Carlyle project is known. The marina project shall not be built unless it is approved by the voters in a referendum.

F. Water-Dependent uses for the Commercial Avenue Adjacent to the River

The following uses are considered available for commercial riverfront areas.

1. Commercial fishing activities;

2. Boat clubs and marinas;

3. Boat docks, slips, piers and wharves for recreational or commercial use;

4. Boat building, storing, repairing, sales and servicing facilities, including accessory uses such as sales offices for marine equipment and products, dockside facilities for fuel dispensing, pumping out of marine holding tanks, waste oil collection, parking, and restroom and laundry facilities;

5. Boat and marine engine sales and display, yacht broker, marine insurance broker; and

6. Retail sale or rental of boating, fishing, diving and bathing supplies and equipment;

7. Structures for navigational purposes;

8. Flood and erosion protection structures;

9. Scientific/educational activities which, by their nature, require access to coastal waters;

10. Support facilities necessary for successful functioning of permitted water dependent uses such as parking lots, snack bars, etc.

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

POLICY 3 **THE STATE COASTAL POLICY REGARDING MAJOR PORTS IS NOT APPLICABLE TO PIERMONT.**

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

POLICY 4A **THE TRADITIONAL USES OF PIERMONT BAY SHALL BE PROMOTED INCLUDING COMMERCIAL MARINAS, RECREATIONAL BOATING AND ACCESSORY SERVICES, COMMERCIAL FISHING AND CRABBING, AND RECREATIONAL FISHING, AND SHALL FACILITATE CHANNEL MAINTENANCE, THE REMOVAL OF NAVIGATION HAZARDS, AND BREAKWATER/BULKHEAD/ DOCK CONSTRUCTION AND REPAIR.**

Explanation of Policies

The Village of Piermont established a Harbor Advisory Commission to develop and administer a Management Program. The Harbor Management Program will detail the uses, projects, and procedures outlined in the LWRP, which is designed primarily to further the traditional uses found in Piermont's harbor area. In addition, the Harbor Management Program will detail plans for channel dredging and maintenance depths, bulkhead and dock reconstruction techniques, and specific navigation hazards to be removed, including the sunken barge off the north end of the Pier.

The Carlyle commercial buildings hold the potential for water-dependent uses such as boat sales, boat storage, marine hardware, boatmaking and sailmaking as part of the multiple use redevelopment of the site. The end of the Pier is unsuitable for intensive development because it has no nearby sewer hookup and no septic capacity, has extremely limited road access, is a poor site for petroleum storage for boats and is furthest removed from the existing commercial waterfront. The area of the pier east of the Carlyle property offers a magnificent long range view to the north, upriver, impaired only by the Tappan Zee Bridge. Marina slips north of this section of the pier would change the nature of this view significantly. Any increase in vehicular traffic on Ferry Road is another negative to be avoided. Thus, a marina should be restricted to the section north of the pier and west of the dog leg on Ferry Road.

(See also Policy 2.)

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

POLICY 5A **ENCOURAGE DEVELOPMENT NEAR THE EXISTING COMMERCIAL WATERFRONT WHERE SERVICES AND FACILITIES ARE IN PLACE AND CONSIDERABLE MUNICIPAL PARKING CAN BE ACQUIRED. DISCOURAGE INTENSIVE DEVELOPMENT AT THE END OF THE PIER OR ALONG THE SPARKILL CREEK WHERE SERVICES AND FACILITIES ARE NOT IN PLACE.**

Explanation of Policies

The Parelli Park area and continuous areas on the north side of the pier are best suited for waterfront development in terms of existing services and facilities, particularly existing sewer lines, parking and marine services, as well as utility hookups and fire protection. The Sparkill Creek passes through a residential area and into the Piermont Marsh National Estuarine

Sanctuary, and neither the residents nor the sanctuary wildlife would benefit from a large influx of boat traffic; neither can the adjacent streets accommodate much additional parking.

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

Explanation of Policy

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

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulations' objectives.

The Harbor Management Commission will help to coordinate permitting activities, particularly with respect to assisting individual property owners.

FISH AND WILDLIFE POLICIES

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

POLICY 7A **PROTECT THE PIERMONT MARSH SOUTH OF THE PIER AND THE SPARKILL CREEK BY SEVERELY RESTRICTING IT TO PASSIVE RECREATIONAL USES.**

Explanation of Policies

The Piermont Marsh/Sparkill Creek has been designated as a Significant Coastal Fish and Wildlife Habitat by the Department of State and constitutes the southernmost portion of the Hudson River National Estuarine Sanctuary.

It is described as one of the largest, undeveloped, wetland complexes on the Hudson River. It is the only sizeable intertidal brackish marsh within the Hudson estuary, and is exemplary of this ecological community type. Its characteristics are more fully described in the Inventory and Analysis section.

IMPACT ASSESSMENT:

It is essential that any potential impacts on Piermont Marsh be evaluated with respect to the research and management program of the Estuarine Sanctuary, and the need to maintain natural or controlled experimental conditions. Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce freshwater inflows, or alter tidal fluctuations in Piermont Marsh, would adversely affect fish and wildlife species in the area. Discharges of sewage, stormwater runoff, or industrial wastewater, could severely impair the quality of this productive wetland. Elimination of marsh or shallow water areas, through dredging, filling, or bulkheading, would result in a direct loss of valuable fish and wildlife habitats. Activities that would subdivide this relatively large, undisturbed area into smaller fragments should be restricted. However, limited habitat management activities, including expansion of open water areas in the marsh, may be designed to maintain or enhance populations of certain fish or wildlife species. Existing undisturbed areas bordering Piermont Marsh should be maintained to provide cover, perch sites and buffer zones; significant human encroachment into adjacent areas could adversely affect certain species of wildlife. Strict management of public access may be necessary to ensure that the various human uses of fish and wildlife resources in the area are compatible.

The freshwater, as well as the tidal, stretch of the Sparkill Creek and the Palisades Slope area draining into the Sparkill Creek have been designated as Critical Environmental Areas by the Village of Piermont under the State Environmental Quality Review Act in recognition of their importance as significant and important habitats, among other criteria.

The Orangetown/Rockland County Sewer District #1 outfall line presently terminates just south of the end of the Pier and disperses waste both upstream and downstream, depending on the stage of the tide. The outfall line has many leaks and the waste is often untreated, particularly when storm runoff infiltrates the sewerage system. Sealing the leaks and extending the terminus of the outfall into the main channel would mitigate the impact of these incidents when raw sewage is discharged.

In order to protect and preserve significant habitats, land and water uses or development shall be undertaken only if such actions are consistent to the maximum extent practicable with the intent and purpose of this policy. When the action significantly reduces a vital resource (e.g. food, shelter, living space) or changes environmental conditions (e.g. temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to significantly impair the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity; changes in community structure (food chain relationships, species

diversity); reduced productivity; and/or increased incidence of disease and mortality. The range of physical, biological and chemical parameters which should be considered include:

a. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

b. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns, and migratory patterns;

c. chemical parameters such as dissolved oxygen, carbon dioxide, Ph, dissolved solids, nutrients, organics, salinity, pollutants. When a proposed action is likely to alter any of the biological, physical or chemical parameters as described above beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with the above policy.

See also Policy 33.

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

POLICY 8A **THE INTENTIONAL DUMPING OF OIL OR OTHER POLLUTANTS INTO WATERWAYS AND CATCH BASINS CAN BE HARMFUL TO FISH AND WILDLIFE/RESOURCES, AND SUCH ACTIONS WILL BE PROSECUTED.**

POLICY 8B **THE ROCKLAND COUNTY SEWER OUTFALL LINE SHOULD BE EXTENDED TO DEEPER, FASTER FLOWING WATER. THE OUTFALL LINE SHOULD BE REBUILT TO MAINTAIN ITS INTEGRITY.**

Explanation of Policies

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial

present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed." The list of DEC-defined hazardous wastes is provided in 6NYCRR Part 371.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

The Village of Piermont in 1981 was the first governmental body in Rockland County to institute a voluntary waste oil recycling program, both on the waterfront and for motor vehicle operators; and this program has collected several hundred gallons of oil which might have otherwise been improperly disposed of. This program will be continued.

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

POLICY 9A **PRESERVE THE SECTION OF THE PIER EASTWARD FROM THE LAST CURVE IN THE ROAD FOR ACCESS FOR SHORELINE FISHING, BIRDWATCHING AND NATURE STUDY. FOREGO MARINA ON-WATER CONSTRUCTION NORTH OF THE PIER AND EAST OF THE FORMER FACTORY PROPERTY.**

Explanation of Policies

Any efforts to increase recreational use of fish and wildlife resources will be made in a manner which ensures the protection of these resources in marine coastal ares and which takes into consideration other activities dependent on these resources. Also, such efforts must be carried out in accordance with existing State law and in keeping with sound management considerations, which include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The following additional guidelines will be considered by Village, State and federal agencies as they determine the consistency of a proposed action with this policy:

a. consideration should be made by the Village, State and federal agencies as to whether an action will impede existing or future utilization of the Village's fish and wildlife resources;

b. efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat.

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

Shoreline fishing from the end of the Pier has been drawing an increasing number of fishermen throughout the year as access to this productive fishing location has been opened since 1981, when the Village acquired the property. The Rockland Audubon Society conducts frequent field trips here, sighting a great variety of birds, including rare and endangered species.

The primary obstacle to increased recreational fishing use of the shoreline is concern over pollution, since commercial fishing for most species is banned. The Village strongly supports all efforts to clean up the Hudson in general and to remove PCB's in particular. The Department of Environmental Conservation advises recreational fishermen to consume no more than one meal per week of fish taken from the Hudson; and since few fish more frequently, a notice of this advisory posted on the Pier would inform the few and allay the fears of most.

Provisions for increased boating access indicated in the section of Development Policies and Policy 21 will also serve to increase recreational fishing and wildlife viewing.

The Village does not permit hunting on the Pier and the Palisades Interstate Park does not permit hunting in the Piermont Marsh.

The blue crab attracts many recreational crabbers, most casting traps from the dock at the end of the Pier. Since the crabmeat is nearly free of PCB contamination, it is particularly desirable to develop this resource, which was abundant in the memory of many but now occurs in smaller numbers. A study should be undertaken by a State or regional organization to propose ways to restore the blue crab population.

POLICY 10 **FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (I) ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (II) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (III) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

Explanation of Policy

Construction of limited, as yet unidentified on-shore commercial fishing facilities is part of the Development Policies of this program in conjunction with the construction of a Village Landing. Because of current pollution levels in the Hudson River, commercial fishing is very minor in comparison to its potential. Perhaps a dozen fishermen are now active. That major potential could be realized before the end of the decade if the levels of PCB's in striped bass netted here continue to decline at the rate experienced in the past few years.

The Village is not aware of any mariculture activity along this section of the Hudson, but it is not inconceivable that blue crabs could be managed to some degree. Both catfish and carp are abundant and have been harvested in aquaculture elsewhere. Oysters were abundant here until the silt from the construction of the Tappan Zee Bridge decimated the population. Commercial fishermen report that a remnant population exists off the north side of the Pier near the navigation buoy and conceivably oysters could be reintroduced and cultivated.

FLOODING AND EROSION HAZARD POLICIES

POLICY 11 **BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.**

POLICY 11A **EXTEND EXISTING CRITICAL ENVIRONMENTAL AREA DESIGNATIONS AND PROTECT VULNERABLE AREAS NOT COVERED BY FLOODING AND EROSION REGULATIONS.**

Explanation of Policies

Local, State and federal laws regulate the siting of buildings in erosion hazard areas, coastal high hazard areas, and floodways; the importance of these regulations to Piermont cannot be overemphasized. Flooding and erosion that accompanies it is a major hazard along the Village waterfront, as evidenced by the March, 1984 storms that resulted in a federal disaster area designation. Major flooding episodes occur primarily with easterly winds and unusually high tides. The Hudson River and tidal Sparkill Creek inundate roads, destroy docks and boats, erode property and flood basements and the first stories of some houses. The lowland areas of the Village are covered by the National Flood Insurance Program. Design of new construction must address flooding and erosion hazards and the 100 year flood plain, and appropriate measures must be taken to avoid structural damage and danger to human lives.

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

Explanation of Policy

Natural protective features help safeguard coastal lands and property from damage, as well as reduce danger to human life resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or similar actions which fail to recognize their high protective value lead to diminishing or destruction of those values. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Wetlands function as important flood-mitigators and will be protected from all encroachments which could impair their flood-reducing capacity. The crescent-shaped shoal parallel to the shoreline north of the Pier also affords some protection from storm-induced wave damage. Minimizing motorboat traffic in the Sparkill Creek will minimize damage to tidal wetlands from gasoline and oil and from propeller and bow wave wash. Diverting the sewer outfall into the main channel currents will disperse the material and minimize nutrient loading of the tidal wetlands.

See also Policies 7, 37 and 44.

POLICY 13 **THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST 30 YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.**

Explanation of Policy

Erosion protection structures are often needed to stabilize riverbanks to mitigate the accumulation and transport of silt, which can diminish river carrying capacity and/or increase harbor siltation. This policy is not directed at temporary structures erected to control siltation during construction projects. New construction will meet all current standards. Adequate bulkheading will protect the shoreline from erosion and wave damage, or mitigate the worse effects of severe storms. A suitable breakwater or "dolphins" near the commercial waterfront would extend the life-time of bulkheads and lessen the problems of storm erosion and channel maintenance. All bulkheads, seawalls, docks and piers have limited life-times, so periodic

maintenance and eventual replacement is to be expected. The Harbor Commission shall develop standards for construction of erosion protection structures.

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

POLICY 14A **OPPOSE ANY INCREASE IN THE SIZE OF CULVERTS ALONG THE SPARKILL CREEK, CHANNELIZATION OF THE CREEK OR THE INTRODUCTION OF RIP-RAP TO NEW AREAS ALONG THE BANKS; RATHER, SUPPORT A PROGRAM OF REGULARLY CLEARING DEBRIS FROM THE EXISTING CULVERTS AND FROM THE STREAMBED AND OF MAINTAINING THE EXISTING WOODEN BULKHEADS, STONE RETAINING WALLS AND RIP-RAP.**

Explanation of Policies

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

Plans to replace the Valentine Avenue Bridge at the upstream boundary of the Village on the Sparkill Creek and construct enlarged culverts, as well as to channelize the Creek in order to facilitate more rapid runoff of stormwater, have been opposed by the Village for many years because of the severe erosion threat to the shoreline along the Sparkill Creek in Piermont and the impact of increased flooding downstream. Dredging would undermine soil retention structures along the banks of the Creek. Rather, it is incumbent upon the Town of Orangetown and the Rockland County Drainage Agency to construct upstream retention basins to mitigate the runoff from upstream development that has been sanctioned by these governmental agencies in the past and to regulate all further development so that there is no additional runoff permitted. It would be in the best interest of the Village to develop legislation on regulation of the Sparkill Creek and to intervene in proceedings related to new development in the Sparkill watershed with the assistance of the Rockland County Environmental Management Council and the force of law provided by the Village's designation of its Sparkill Creek area as a Critical Environmental Area under SEQR. The objective would be to keep Sparkill Creek flooding from worsening.

The culverts on the Valentine Avenue bridge tend to accumulate debris which restricts the flow of water. Debris in the streambed also restricts the flow of water, thereby increasing siltation and reducing the floodwater carrying capacity of the Creek. A program of regularly clearing debris would help considerably in permitting stormwater to make its way downstream.

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

POLICY 15A **ANY DREDGING THAT MAY BE NECESSARY MUST BE UNDERTAKEN ONLY DURING CALENDAR PERIODS THAT WILL MINIMIZE ANY NEGATIVE IMPACT ON AQUATIC LIFE FORMS AND MUST USE THE BEST AVAILABLE TECHNOLOGY TO MINIMIZE THE DISPERSION OF ANY SILT THAT MAY BE RELEASED. UPLAND DISPOSAL OF DREDGE SPOIL INVOLVING TRUCKING MUST BE UNDERTAKEN ONLY DURING CALENDAR PERIODS THAT WILL MINIMIZE WEAR AND TEAR ON THE VILLAGE ROADS AND DURING DAYS OF THE WEEK AND HOURS OF THE DAY THAT WILL MINIMIZE THE IMPACT ON THE RESIDENTIAL PEACE AND TRANQUILITY OF THE VILLAGE. TO THE EXTENT THAT THE OPTIMUM CALENDAR PERIOD FOR DREDGING AND THE OPTIMUM CALENDAR PERIOD FOR TRUCKING OUT SPOILS DO NOT COINCIDE, PROVISION MUST BE MADE FOR A SITE FOR INTERIM STORAGE OF DREDGE SPOILS ADJACENT TO THE DREDGING AREA. THE TOTAL VOLUME OF DREDGING IN ANY PERIOD MUST BE LIMITED TO THE CAPACITY OF THE INTERIM DREDGE SPOIL STORAGE SITE.**

<u>Explanation of Policies</u>

Dredging or other mining of river bottom materials would be undertaken primarily for channel maintenance. Wherever such dredging takes place near docks, bulkheads or an unprotected shoreline, it must be done in a manner that will not dislodge or cause piling slumping on the adjacent lands and will not cause a reduction of supply, and thus an increase of erosion, to shorelands.

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

Explanation of Policy

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

POLICY 17 **WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (I) THE SETBACK OF BUILDINGS AND STRUCTURES; (II) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (III) THE RESHAPING OF BLUFFS; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

Non-structural measures shall include, but not be limited to:

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that Law, the use of minimum setbacks as provided for in Section 34-108.

2. Within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard areas, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with

the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

GENERAL POLICY

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

POLICY 18A **NEW DEVELOPMENT SHALL BE DESIGNED TO MINIMIZE IMPACT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND ON THE EXISTING CHARACTER AND CULTURAL RESOURCES OF PIERMONT.**

Explanation of Policies

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

A concern of the LWRP is to minimize the social dislocation among the long-term Piermont residents caused by the rapid escalation of rents, partly in anticipation of the redevelopment of the Pier industrial site and partly reflecting the general appreciation of property values along the Hudson shoreline, particularly in proximity to New York City. The notion of including a limited number of "affordable and handicapped accessible rental units, including but not limited to senior citizen housing, as part of the Pier redevelopment" was aired at the April 8, 1986 public information hearing called by the Trustees to hear several proposals for the Pier. It was recognized that it is not possible to provide moderate rental housing for all deserving people and that an overall limit on the maximum residential density be set first with the lower cost units

constructed as a fraction of the overall total. Accordingly, the overall residential density should be 7 units per acre total with the "affordable" housing included. This permissible density should yield at least 25 "affordable" units.

At present, Piermont's irregular boundaries even exclude points on the southeast end of the pier that can only be policed by Piermont with any efficiencies. Piermont is the only municipality south of Haverstraw in Rockland County with the ability to do emergency rescue under or on water, fight fires from the water, and police the water in the area. Piermont has 500 commercial slips, and that is heavy recreational craft use in the area.

The Village Board may vary these numbers consistent with the goals of the LWRP to accommodate a specific development proposal.

Piermont At An Historical Crossroads.

Piermont would have preferred to continue into the 21st century as a factory town. The deindustrialization of the Northeast, lack of large enough land area, difficult traffic access, and elevated real estate values caused by the beautiful location on river, mountain, and creek, just 15 miles from N.Y.C., all combined to prevent this. Nevertheless, we cling to our historic memories as best we can.

The following is an excerpt from the Carlyle Findings Statement, and a resolution passed by the Village Board after adopting the Pier area zone change.

AFFORDABLE HOUSING

In recent years, the availability and supply of affordable housing in the New York metropolitan area has become a major concern. It is also the concern of Piermont residents that escalating housing costs are pushing out many of its long-term residents. Piermont residents are also concerned that the proposed project will create housing that is not within financial reach of many Village residents. To alleviate this concern and address this problem, the developer will build 25 not-for-profit rental units as part of the project. These units will remain on a not-for-profit basis during the life of the structures of the project.

CPC will actively pursue the possibilities for obtaining subsidies for affordable rental housing. The acceptability of such subsidies will be determined by the Board of Trustees at its discretion. Criteria for eligibility for occupancy will be determined by the Village Board.

Looking Forward, Looking Back

A Resolution

Piermont is a tradition minded community - an old railroad and factory town, a typical American small town. We sit here, on the shore of the Hudson River, on our hills and creek, surrounded

by suburbs, by bedroom communities that lack all sense of community, and try to preserve our sense of values. We are 15 miles from New York City, in this tranquil and beautiful place. We lost our factories; the whole region, whole states lost their factories. Suburbanization, a land shortage, and a baby boom have so escalated home prices that very, very few of us could afford to come here if we did not already own our homes -- very, very few of us could afford to buy-in using income and savings. Our children cannot afford to buy here.

We have no power to stop or even to slow these changes. The new extension of our community that will be built on the Pier is not the cause of these changes, just a piece of it. The new people who move in there will be no richer than the people who now buy our homes throughout Piermont. Actually, most of us who own homes here can afford to buy-in downtown if we sell our old homes, and it is expected that most of the purchasers will be Rocklanders making just such a swap.

Nevertheless, a way of life has been passing, and the new project is a significant marker, a symbol of the change.

We on this Board have done our best to make the new area a continuation of our existing commercial district, to use it to revitalize our downtown, to provide new park and recreation facilities, to preserve views, to reduce demands for municipal services, to minimize its impact on our natural environment, to preserve links to our historic past, to govern its scale and its traffic impact, consistent with our powers under N.Y. State law.

It is our deepest wish that Piermont retain its economic vitality, its small town feel, its sense of community. Piermont will certainly continue to change, but we would like to pass on our sense of community, as a legacy to the Piermont of the Future.

To this end, we endorse the offer of the Carlyle Piermont Corp. to provide a "time capsule", to contain letters and petitions, photos, audio and video cassettes, presented by present villagers, containing reminiscences, histories, testimony, suggestions for the future governance of this project and of the Village as a whole. The time capsule is to be opened April 12, 2013, which will be the 25th anniversary of the adoption of the Statement of Findings for the CPC project, and every 25th year thereafter. At each opening, the letters, tapes, and photos of 25 years earlier will be read, played, or displayed for the current Village Board and Village. The older letters and material shall also be made available for public examination, and current residents shall add their testimony, to be opened in turn 25 years later. The time capsule shall bear the Latin inscription "Non etiam a morte linguae nostrae stupabuntur." (Not even death shall stop our tongues.)

Let the Present tell the Future what we loved in this village of ours, what we hoped to preserve, to improve, to pass on.

A possible site of a major action is the 37 acre parcel surrounding the Tappan Zee elementary school now again open and serving South Orangetown as an elementary school. The Village has included this lot in the Palisades Slope Critical Environmental Area, which will ensure that any development meets careful planning requirements. The school district has proposed to retain 8 acres and sell the remainder for development. Any development should be clustered along Route 9W adjacent to the existing multiple residence district The Whiton Brook and Cowboy Fields portion of the site should be preserved for drainage, habitat and public access open space.

PUBLIC ACCESS POLICIES

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

POLICY 19A **MAINTAIN AND PRESERVE THE ENTIRE SHORELINE ON THE NARROW END OF THE PIER EAST OF THE FORMER FACTORY LOTS FOR FISHING ACCESS.**

POLICY 19B **CONSTRUCT A WALKWAY FROM THE VILLAGE LANDING OUT ALONG THE NORTH SIDE OF THE PIER ADJACENT TO THE FORMER INDUSTRIAL SITE.**

POLICY 19C **SEEK TO DEVELOP A BOAT BASIN OR "HARBOR OF REFUGE" ADJACENT TO THE OUTERMOST LOT OF THE FORMER INDUSTRIAL SITE ON THE NORTH SIDE OF THE PIER.**

POLICY 19D **PLAN COASTAL REDEVELOPMENT SO THAT LOCAL ROADS DO NOT BECOME UNSAFE OR OVERBURDENED BY TRAFFIC CONGESTION, SO THAT THE WATERFRONT IS ACCESSIBLE TO PEDESTRIANS, FISHERMEN, BOATERS AND CYCLISTS (SEE POLICY 19), AND SO THAT PARKING LOTS ARE APPROPRIATELY SCALED, SITED FOR MULTIPLE USE, NOT FLOODED AT HIGH TIDE AND NOT A DETRIMENT TO LOCAL NEIGHBORHOODS.**

POLICY 19E **ANY SITING OF PARKLAND OR ANY PUBLIC BUILDING OR PUBLIC ACCESS FACILITY, WHETHER BY THE VILLAGE OR OTHER GOVERNMENTAL LEVEL OR AGENCY, OR ANY NOT-FOR-PROFIT, OR PUBLIC BENEFIT GROUP OR AGENCY, OR ANY CHURCH, SHALL SATISFY THE SAME REQUIREMENTS FOR PARKING AND FOR PERMISSIBLE TRAFFIC GENERATION, THAT WOULD APPLY TO A COMMERCIAL DEVELOPMENT AT THAT SITE.**

Explanation of Policies

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:

    a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

    b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

3. The State and Village will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

Further, it is understood that in their plans and programs for increasing public access to public water-related resources and facilities, public agencies shall give priority in the following order to projects located: within the boundaries of Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary and not served by public transportation.

Access to the end of the Pier by motor vehicles at all tides is necessary for public access to the park and the water-dependent and water-enhanced recreational activities that take place along the pier. The Village has raised Ferry Road above the high tide level to improve access by eliminating flooding of the road. Ferry Road will be maintained at this level. Nevertheless, it is recognized that vehicular traffic, including truck, cars, motorcycles, and bikes interfere with the use and enjoyment of Ferry Road east of the Village ballfield. Motorized vehicles are only permitted on this portion of Ferry Road by special permit. Bicycles can be a hazard to pedestrians. Trucks are present for maintenance purposes, and trucks and buses also serve the Lamont-Doherty Oceanographic vessel and the Clearwater. Buses also bring class groups. Except where these vehicles are necessary to transport the handicapped, buses should be discouraged. Able-bodied individuals may walk.

Use of cars should be monitored, and the issuance of permits to cars not registered to Village residents can be reduced or eliminated if car use increases beyond acceptable levels.

Local streets are generally capable of handling the volume of traffic now present. Because of steep grades and sharp curves, travel speeds are often slow. Parking in the business district of the Village is often tight and will be improved with the anticipated development by Carlyle. The anticipated replacement of a bridge over the Sparkill Creek will allow vehicles to move more smoothly, and should be so designated as to improve water-front access to and from the Creek, and not to impinge on Kane Park. The new bridge will have a pedestrian walkway.

The Village Landing and also the boat basin on the north side of the former industrial site are dependent on a properly maintained channel. The Village Landing also presumes municipal parking in the adjacent parking lot now owned by the Carlyle Corporation. The boat basin presumes the use of the Clevepak lot now occupied by aeration basins for accessory parking and structures. The restriction on the Sparkill Creek boat launch to non-motorized boats is necessary both to minimize impact on the Piermont Marsh National Estuarine Sanctuary and to minimize the danger to boaters negotiating the twists and turns of the Creek with vision obstructed by tall fragmites reeds.

Incompatible water-dependent uses and facilities are those that are inconsistent with the policies expressed in this section of the LWRP. For example, a commuter ferry terminal

would be considered incompatible because of the traffic and parking burden associated with it. Also, siting of such region-serving facilities as a nuclear electric power plant or comparable scale conventional power plant or a municipal solid waste processing facility is likewise considered incompatible because of the substantial heavy trucking involved and because of the significant negative impact on the Pier and Sparkill Creek designated Critical Environmental Areas and the adjacent Piermont Marsh National Estuarine Sanctuary and Significant Habitat. A trans-Hudson bridge is incompatible because of the same considerations. These examples of incompatible uses and facilities are by no means an exhaustive list.

The Village has determined maximum permissible traffic flows (consistent with preservation of residential amenity) for all streets providing access and entry or exit to Piermont. Any public facility stimulating traffic must share the maximum permissible flow, and must also provide parking to accommodate that flow, once arrived.

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

a. Access--the ability and right of the public to reach and use public coastal lands and waters.

b. Public water-related recreation resources or facilities--all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.

c. Public lands or facilities--lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.

d. A reduction in the existing level of public access includes, but is not limited to, the following:

    (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.

    (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.

    (3) Pedestrian access is diminished or eliminated because of hazardous crossing required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(4) There are substantial increases in existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary, or admission fees to such a resource or facility and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State-government-established poverty level.

(5) Pedestrian access is diminished or blocked completely by public or private development.

e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

(2) Sales, lease, or other transfer of public lands that could provide public access to public water-related recreation resources or facilities.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

4. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

a. A reduction in the existing level of public access includes, but is not limited to, the following:

(1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(2) Access is reduced or blocked completely by any public developments.

See also Policies 7 and 44.

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

Explanation of Policy

With the public acquisition of the entire perimeter of the Piermont Pier, a major portion of the Village shoreline on the Hudson River and tidal Sparkill Creek is now under the public ownership of the Village, the Department of Environmental Conservation and the Palisades Interstate Park. The following guidelines will be used in determining the consistency of a proposed action, including any action proposed at the above existing sites, with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

2. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; or (b) adequate access exists within a reasonable distance, generally a half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

   All coastal access in Piermont is inherently limited by availability of parking and the requirements of maintaining residential amenity along access routes, all of which are residential. Restriction of access within the limits these imply is not a reduction of access; levels of use are now below these limitations. Such restriction is an inherent limit.

   While this primary LWRP objective for future use of the light industrial zone on the Pier was for continued commercial activity, the second choice was for a mixed-use water-dependent redevelopment that would include a limited number of commercial and residential units. Accordingly, with such mixed-use development, the base density of residential units over the entire zone should be 7 units per acre total. The project must be so structured as to provide for a Village-owned marina on the north shore and must provide a shoreline walkway included as part of the development. These projects are presumed since they will increase the value of the adjoining residential development in

excess of their construction costs. Also, at minimum, any project must provide parking for Main St. and for Parelli Park. Thus, there must be mixed use parking for Main Street stores in addition to facilitating the use of Parelli Park. If the project creates a boat ramp for their own use, this will be available for a Village boat launch facility.

The development of any new boating facilities requires the availability of adequate parking. Parking in Piermont is very limited and needs to be sited for multiple use. The Clevepak parking lot adjacent to Main Street, Parelli Park and the commercial waterfront gets multiple use now in its quasi-municipal status. New development on the Pier will be required to provide 100 parking spaces for Main St., Parelli Park, and several village uses connecting in to Main Street and Parelli Park. The core buildings are already sub-divided into small to medium-sized units so that they represent a collection of modest "raw" spaces in structurally sound buildings that might be used for marine accessory businesses, including storage, sales, boat repair and construction, sailmaking, marine hardware, etc. Siting the Village Landing adjacent to these buildings will promote their use for marine activities.

At present, trails in Tallman Park lead to Ferdon Avenue near the Army bridge. Pedestrian access is possible to the end of the Pier along Ferry Road from near Paradise Avenue. Development of the pier will include a walkway along the north side of the pier, providing additional public access. A marked bicycle path now follows Ferdon Avenue and Piermont Avenue and access to the end of the pier is available via Ferry Road. At present, a rail siding extends into the former industrial site, and as part of the redevelopment of the Carlyle proposal, this track will be removed, and a major access point to the development will be built approximately at this location.

RECREATION POLICIES

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

POLICY 21A **THE VILLAGE OF PIERMONT SHALL PROVIDE FOR LAUNCHES AND LANDINGS ON PUBLIC WATERFRONT LAND FOR INCREASED RECREATIONAL USE OF THE HUDSON RIVER.**

POLICY 21B **ALL VILLAGE-OWNED LAND ON THE PIER, INCLUDING THE SHORELINE ON THE NORTH SIDE OF THE FORMER INDUSTRIAL SITE, SHALL REMAIN AS PARKLAND IN PERPETUITY FOR RECREATIONAL USE, INCLUDING SHORELINE FISHING, BIRDWATCHING, PICNICKING, AND UNOBSTRUCTED VIEWING OF THE TAPPAN ZEE PANORAMA.**

POLICY 21C **THE HIDDEN "PUBLIC ACCESS" CANOE LAUNCH FACILITY ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON THE FORMER MCMURRAY PROPERTY SHOULD BE CLOSED, AND A CANOE LAUNCH SHOULD BE CREATED ON THE RIVER OFF TALLMAN PARK.**

Explanation of Policies

Boat Landing

At various times, the Village has considered, or even thought itself committed to constructing a boat launch at various locations. These have included: Parelli Park South east end of Pier, after exchange of land with the DEC; and the Carlyle property, at northwest corner of Building 28.

These have all been eliminated or deferred, at the recommendation of the Piermont Harbor Advisory Commission. There are two categories of boat launch, and they should be considered separately. They are for a.) car-top boats (canoes,etc.) and b.) trailered boats

Car-top boats should be launched on the south side of the Pier Peninsula. Currents at the north east end of the pier are too strong and too dangerous for such craft. The ideal site for launching car-top boats is from within Tallman Park, near the parking lot used by visitors to the swimming pool. The Village permits but would prefer to discourage, automobiles on Ferry Road or parked at the end of Ferry Road.

No parking is available adjacent to the DEC canoe launch. It is not a major problem only because it is hidden, unknown, unsigned, and unadvertised, marked only by a rusty chain from which yellow plastic anti-freeze containers hang. Canoeists using the facility now park opposite residences, or illegally, or trespass on a Carlyle parking lot. A site at Tallman Park would be more appropriate and would avoid problems as use of the sanctuary increases.

Trailer-carried boats are best launched at Building 28. At present Carlyle plans to have no ramp at that point. Winter-stored boats will be launched or landed at that point using a negative fork-lift during a brief period in Spring and Fall, and the fork-lift will not be available at other times.

The Piermont Board of Trustees retains the option to require Carlyle Piermont Corporation or successors to have public boat launch facilities for Piermont residents at a future time.

The Army Dock On The Piermont Pier.

The Army Dock, located at the east end of the Village Pier Peninsula Park, is the only place in Piermont where sizeable craft can dock. Currently, it is mainly used by the Clearwater, owned by the Hudson River Sloop Clearwater, Inc; and the Conrad, owned by Columbia University and Lamont-Doherty Observatory.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, or non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses.

Water-dependent and water-enhanced recreation that will be encouraged are the Village Landing and the Village marina (if feasible and approved by referendum), boat ramps, fishing and viewing opportunities. The marina would be located on Village-owned under water lands north of the pier and west of the dogleg on Ferry Road. The Village launch would be accessory to a ramp built immediately west and north of Building 28. The DEC has provided a Canoe launch at the former MacMurray lot. A site adjacent to Tallman Park, utilizing parking adjacent to the Tallman pool would be more appropriate. Since the only potential population increase of any significance within the Village is the construction of the Carlyle proposal, the added recreational opportunities are believed to be adequate.

The Village has provided a memorial to the one million troops who embarked for Europe from the Piermont Pier in World War II at the embarkation site.

At present, trails in Tallman Park lead to Ferdon Avenue near the Army bridge. Pedestrian access is possible to the end of the Pier along Ferry Road from near Paradise Avenue. Development of the pier shall include a walkway along the north side of the pier, providing additional public access. A marked bicycle path now follows Ferdon Avenue and Piermont Avenue. Access to the end of the pier is available via Ferry Road. At present, a rail siding extends into the former industrial site, and as part of the redevelopment of the Carlyle property, this track will be removed, providing, at least psychologically, an improved pedestrian access to the western end of the pier.

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

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen. Shore development can include the Carlyle property, private marinas and the Village Landing, as well as the public portion of the Pier. The development approval of the Carlyle proposal includes provision for a shoreline walkway on the north side of the property, as well as a public boat launch. Other facilities will be provided with other resources.

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

POLICY 23A **THE ARCHITECTURAL REVIEW BOARD SHALL REVIEW APPLICATIONS FOR BUILDING PERMITS INVOLVING STRUCTURES IDENTIFIED AS BEING ARCHITECTURALLY SIGNIFICANT OR STRUCTURES ADJACENT TO BUILDINGS OR SITES IDENTIFIED AS HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT.**

WHENEVER CONSTRUCTION ENTAILS RISK TO IMPORTANT ARCHEOLOGICAL RESOURCES THAT MAY BE PRESENT, INCLUDING DISTURBANCE OF SOIL, THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION WILL BE CONTACTED TO VERIFY WHETHER THESE RESOURCES ARE LIKELY TO BE DISTURBED.

POLICY 23B **PLACE MONUMENTS AND MARKERS ON STRUCTURES AND AT SITES IMPORTANT TO THE HISTORY OF THE VILLAGE OF PIERMONT.**

Explanation of Policies

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

Historic resources identified by the Piermont Architectural Review Board are listed and mapped in the Inventory and Analysis.

The Village of Piermont will contact the Division for Historic Preservation in the Office of Parks, Recreation and Historic Preservation to check whether any archeological sites are affected by specific development proposals.

History of Pier Industrial Site.

Carlyle Piermont Corporation will display various industrial memorabilia related to the history of the site, including pre-Bessemer process wrought iron track dating from the 1850's, which now lies on Village lands along the littoral, and a large fly-wheel used in an electric generator in the paper mill.

An historical archive will be created containing photographic documentation of the industrial site, the railroad and old-time Piermont. It will include extensive supplementary material gathered by CPC prior to and during demolition. It shall also include full records of the SEQR procedure necessitated by this project.

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

1. A resource which is in a federal or State park established, among other reasons, to protect and preserve the resource.

2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.

3. A resource on or nominated to be on the State Nature and Historic Preserve Trust.

4. An archeological resource which is on the State Department of Education's inventory of archeological sites.

5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved Local Waterfront Revitalization Program.

6. A resource that is a significant component of an Urban Cultural Park.

A significant adverse change includes, but is not limited to:

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

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building structure or earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

   This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified

as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource, as defined above.
See also Policy 18.

SCENIC QUALITY POLICIES

POLICY 24 **THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO PIERMONT.**

POLICY 25 **PROTECT, RESTORE AND ENHANCE NATURAL AND MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATE-WIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.**

POLICY 25A **PROHIBIT ANY WIDENING OF PIERMONT AND FERDON AVENUES ALONG THE SPARKILL CREEK OR PIERMONT AVENUE ALONG THE HUDSON RIVER SHORELINE TO PREVENT IMPAIRMENT OF THESE SCENIC RESOURCES AND TO MAINTAIN PROPERTY VALUES.**

POLICY 25B **NEW DEVELOPMENT IN THE TAPPAN ZEE SCENIC DISTRICT SHALL BE EVALUATED REGARDING THE NATURE AND EXTENT OF ITS POTENTIAL VISUAL IMPACTS ON THE SCENIC RESOURCES OF THE SCENIC DISTRICT.**

POLICY 25C **NO NEW DEVELOPMENT WILL BE PERMITTED THAT WOULD GENERATE SIGNIFICANT NEGATIVE VISUAL IMPACTS BY BLOCKING VIEWS OR INTRODUCING STRUCTURES OF A SCALE OR BULK INCOMPATIBLE WITH EXISTING NEIGHBORHOOD CHARACTER.**

POLICY 25D **THE VIEWSHED PARK AUTHORITY SHALL OBTAIN EASEMENTS, BY GIFT OR PURCHASE, FROM RIVERFRONT PROPERTIES IN PIERMONT, TO PROTECT AGAINST CREATION OF STRUCTURES ON THE RIVER WHICH WOULD BE TALLER OR OTHERWISE MORE VISUALLY INTRUSIVE THAN THE EXISTING DOCKS IN COMMERCIAL SLIP AREAS, OR THE PRIVATE DOCKS IN RESIDENTIAL AREAS OF THE VILLAGE.**

POLICY 25E **NO ENCROACHMENT BY ROADWAY OR BRIDGE SHALL BE PERMITTED INTO KANE PARK. ANY AREA MAPPED AS ROADWAY, BUT NOW USED AS PARK SHALL NOT BE ADDED TO ACTUAL ROADWAY, BUT SHALL REMAIN AS PARK.**

POLICY 25F **THE PREFERRED MAINTENANCE OPTION FOR THE ARMY BRIDGE IS REPAIR, RATHER THAN REPLACEMENT. IF AND WHEN REPLACEMENT IS NECESSARY, THE BRIDGE AND ANY ASSOCIATED STRUCTURES SHALL NOT BE MADE MORE VISUALLY DOMINATING THAN EXISTING STRUCTURES. THE CONCRETE ABUTMENTS SERVING THE HISTORIC DRAWBRIDGE ARE MODERN, AND SHOULD BE REMOVED.**

Explanation of Policies

As noted in the Inventory and Analysis and on the Boundary Section Map, the Upland Viewshed is noteworthy for its many scenic views. The scenic quality of the Piermont area is recognized by the Heritage Task Force the Hudson River Valley, which has proposed designating Route 9W as a Scenic Road under Article 49 of the Environmental Conservation Law. Piermont Avenue and Ferdon Avenue along the Sparkill Creek and Hudson River were also cited by the Heritage Task Force. Both streets have low scale, primarily residential development overlooking the Creek. Route 9W overlooks the Tappan Zee and the Piermont Pier and is the proposed boundary of the Piermont LWRP area. While the Village appreciates the recognition of its scenic resources by the Heritage Task Force, it is opposed to official scenic road designation in Piermont since there are no possible sites for roadside pullovers and since the existing and anticipated traffic volume is already cause for concern without the addition of scenic road tourists.

At the request of the Villages of Piermont, Upper Nyack, Nyack, and Grand View-on-Hudson the Tappan Zee and its western shorelands up to the ridge line is a designated Scenic District under Article 49. (See the Inventory and Analysis for the description of the district and location of significant views.)

The Army Bridge adjacent to Kane Park, provides a noted local viewing point and stands at an especial scenic entrance to downtown Piermont. Any change which degrades this view is impermissible.

Kane Park itself is a much used, much needed children's park, serving both Piermont and visitors from throughout other areas. It is a tiny park, and cannot be narrowed without losing beauty and utility. Any replacement bridge should be sited closer to the historic drawbridge, and should not intrude into the park.

Aside from its location on the widest part of the Hudson River estuary, Piermont is unique in having a long, manmade pier that extends half way across the Tappan Zee. This scenic resource provides a way for the non-boating public to obtain a sailor's view of the west shore from Hook

Mountain to the State Line and of Westchester County from Tarrytown to Yonkers. The large open space expanse of Piermont Bay to the north of the Pier and the Piermont Marsh to the south is remarkable in a metropolitan area otherwise marked by dense development. The designation by the Village of much of these areas as Critical Environmental Areas will allow a substantial measure of protection.

Main Street has a preponderance of 19th century buildings of a low scale and variety which contributes to a small town architectural feeling, almost frozen in time except for some relatively modern additions.

The commercial waterfront area with its mix of recreational boating, commercial fishing and low density residential is picturesque and should be maintained in its present character. From the viewpoint of many residents, the most serious scenic quality problem arises when a new manmade structure blocks a former view of the waterfront. Greater care must be taken to limit this practice wherever possible, with particular attention to building heights and renovated structures.

When considering a proposed action which would affect a scenic resource, agencies shall undertake to ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality include:

1. the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and

2. the addition of structures which because of siting or scale will reduce the identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

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

1. siting structures and other development such as roads, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. clustering or orienting structures to retain views, save open space and provide visual organization to a development;

3. incorporating sound, existing structures (especially historic buildings) into the overall development scheme;

4. removing deteriorated and/or degrading elements;

5. maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;

6. maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;

7. using appropriate materials, in addition to vegetation, to screen unattractive elements;

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

A necessary tool in realizing the goals of the Scenic District is a means of objectively determining the visual impact of a proposed structure from various viewing points.

A Methodology for Visual Assessment

The following methodology will be used to address the question of the determination of the visual impact of a structure or of an object in a landscape, in so far as the impact is due to the scale or size of the object. Typically, such an assessment requires an evaluation from specific viewing points of the apparent scale of the object in relation to its surroundings. Photography and sketches provide important tools for such assessments. An unbuilt structure may be sketched to scale on a photograph.

Photography necessarily involves projective representation. A three dimensional object is rendered on a two dimensional surface. The major weakness of this approach is that such projective representations embody no absolute determinations of scale. This is particularly important if there is no nearby object of comparable size whose scale is known to the viewer with perceptual sureness. In an urban setting, there will usually be other structures nearby with which viewers will be familiar, and which provide a sense of scale and of fitness of size. In a rural, natural, or isolated setting, no such comparables will usually be available. In the absence of such a reference comparison, the impression created by the photograph or photograph with sketch may be manipulated by advocate or opponent simply by changing the focal length of the lens. The availability of such manipulations reduces the photo with sketch technique to a tool for creating debates, not resolving them.

Solutions to this problem include the following:

1. Inclusion of an object of known size. The obvious choice is the human figure. This fails because

    i) The small size of the human figure makes it unsuitable for judging the scale of large structures. It does not help in distinguishing the impacts of an eight- and a twelve- story building.

ii) The large variability in human adult heights makes this reference subject to manipulation.

Unfortunately, no other reference object is as compelling as the human figure. No reference objects of 20, 40, or 80 feet suggest themselves as compelling or suitable.

2. Inclusion of the data on focal length. This contradicts the entire rationale for using photography. The photographic image is intuitive. Almost no one will be able to evaluate focal length data.

3. Provision of size data. Again, this does not utilize the intuitive aspect of photography. Even worse, it bears little relation to how things appear from a particular viewing point.

Criteria for an acceptable solution include the following:

1. The solution should be photographic, or photo with sketch, but should be immune to focal length manipulation.

2. It should provide comparison to a standard based on human biology that has intrinsic intuitive meaning, and that is suitable for comparisons with larger or smaller objects. The comparison should point the way to a decision as to whether the object is visually significant because of size.

3. The standard should be representable upon the photo with sketch in a simple, intuitive, and visual way. It should not need numerical data to interpret it when viewing the photograph.

The human eye sees objects within a central cone of vision sharply; outside the cone, resolution falls off, objects are less sharp, more blurred. The boundary rays of this cone make an angle of 5 degrees with the central ray. An acceptable solution to the visual assessment problem is to provide, on the photo with sketch, the boundary of the central cone as it meets the plane of the structure. An object that fills out and spills over the central cone is truly significant. It is not just a detail in the landscape. The eye moves over it and scans it as an object of individual attention.

The central cone as reference satisfies all of criteria A, B, C, D, below:

A. The solution is purely pictorial. Change in focal length does not change the relation between the central cone and the structure. The circle will appear on the structure where the cone meets the structure.

B. The standard is a human biological reference standard. It is the part of the visual field that is seen most clearly. This has an intrinsic meaning, and it is intuitive. It can be used with large or small objects, and determines whether the object is a significant element of the landscape from the chosen viewing point.

C. The representation is entirely visual and pictorial, and is simple. The viewer need not be provided with supporting numerical data for its interpretation.

D. Even so, numerical data can be deduced from the picture. For example, the area of the object in its frontal plane is 85% of the area of the central cone in that plane. Or, the apparent length of the ski trail is twice the diameter of the central cone. Such numerical comparisons can be discussed objectively, and can be used to yield simple criteria for visual significance.

If an object fills or is larger than the central cone, the object is scanned by the eye with multiple fixes, the eye moving about the object. It is then a significant entity in the visual field; it is an object of separate attention. If an object is quite small with respect to the central cone, it cannot ordinarily be an object of separate attention. It is not scanned. It is merely a detail in the visual field. (It could still be annoying. Think of a bright light source.)

Objects of intermediate scale with respect to the central cone may present classification difficulties. It would be helpful to do psychological field studies of people's responses to existing structures of intermediate scale with respect to the central cone. Such studies would make the tool even more useful, but are beyond the scope of the LWRP. In the case of the view of the Carlyle Piermont site from Westchester or from the Tappan Zee Bridge, the conclusions are clear. The new construction is only a detail in the visual field; new objects of visual significance have not been created.

It should further be noted that even apart from the advantages listed in A, B, C, and D, this technique is more conservative, and so, more protective, than the less sophisticated technique of visual assessment advocated by Scenic Hudson in Assessing the Impact of Development on Scenic Resources of the Hudson River. In that handbook, the photo with sketch technique is advocated, and comparison objects are not provided. Thus, the object is implicitly compared to the entire visual field. The entire visual field is vastly larger than the central cone, and so, an object that is large compared to the central cone may seem small compared to the visual field. Nevertheless, by the above criteria, that object will have significant impact.

For the convenience of anyone wishing to use this method, the following paragraph describes how to draw the central cone on a frontal plane of the structure. One must first determine a scale for the sketched building. (See Scenic Hudson's handbook for how to do this.)

Let L be the distance in feet from the viewing point to the structure. Let d be the length, in inches on the sketch, corresponding to one foot on the actual structure. Set the point and stylus of a compass W inches apart, where $W = (d)(L)\ .0875$. Draw circle with the center at the point seen when one looks head on.

AGRICULTURAL LANDS POLICY

POLICY 26 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LAND IS NOT APPLICABLE TO PIERMONT.**

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Piermont, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under State law and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the coastal area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

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

POLICY 28A **ICE MANAGEMENT TECHNIQUES SUCH AS THE PLACEMENT OF "DOLPHINS" IN PIERMONT BAY WILL BE USED TO CONTROL ICE BUILD-UP AND DAMAGE TO THE PIER, DOCKS AND BULKHEADS.**

Explanation of Policies

Ice in Piermont Bay is very destructive to the existing docks, bulkheads and erosion-protective structures along the shoreline; and this damage greatly shortens the life-times of these structures. Ice forms rapidly because the sheltered water in the Bay is calm and then breaks up and moves with the tidal currents, tending to accumulate under pressure along the base of the Pier and the commercial waterfront. The proposal to construct "dolphins" or tepee-like structures of large poles, would help considerably to break up ice jams, and these structures would not damage significant fish and wildlife habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power. The Village will consult with the appropriate State and federal agencies when designing and siting "dolphins" or similar structures.

POLICY 29 **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF OFF-SHORE ENERGY RESOURCES IS NOT APPLICABLE TO PIERMONT.**

WATER AND AIR RESOURCES POLICIES

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

POLICY 30A **THE VILLAGE SHOULD NOT SERVE AS A CONDUIT AND DUMPING GROUND FOR SEWAGE THAT FREQUENTLY DOES NOT CONFORM TO STATE AND NATIONAL WATER QUALITY GUIDE-LINES, AND SOMETIMES NOT EVEN TO MINIMAL PUBLIC HEALTH STANDARDS. THE POLLUTION OF THE NEARSHORE AREAS OF THE HUDSON RIVER AND THE SPARKILL CREEK FROM DISCHARGE OF SEWAGE EFFLUENT MUST BE ELIMINATED. PROPER MAINTENANCE OF THE ROCKLAND COUNTY SEWER OUTFLOW LINE WILL BE UNDERTAKEN TO AVOID LEAKAGE OF EFFLUENT IN NEARSHORE AREAS.**

Explanation of Policies

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

Piermont has the dubious distinction of being the recipient of liquid sewage waste from the entire southern half of Rockland County, which discharges into the Hudson just south of the Piermont Pier. The Town and County treatment plants in Orangetown are overburdened, infiltration is a problem, the sewer lines that run through the Village periodically stink or overflow into the streets or Sparkill Creek, and the outfall (which reportedly leaks where it passes through the Piermont Marsh National Estuarine Sanctuary) does not extend far enough out into the River to keep effluent away from the shoreline and is currently broken about five yards from the south shore of the Piermont Peninsula. Over the past several decades, numerous small private outfalls which had emptied directly into the Creek and River have been connected to the sewer system, often at considerable initial expense and with continuing maintenance costs to homeowners. It rubs salt in old wounds to have one's sewage make a round trip of several miles to Orangetown, then end up still untreated, in the street or eddying along the shoreline. It is pointless to instruct people outraged by these larger insults in the niceties of controlling pesticide runoff from their rosebushes.

POLICY 31 **STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977, the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The Hudson from the Bronx line to the Bear Mountain Bridge is classified SB, suitable for primary and secondary contact recreation and any other use except for the taking of shellfish for market purposes. Completion of the North River Sewage Treatment Facility in Manhattan will improve the water quality south of the Tappan Zee Bridge in Piermont Bay. The section of the Sparkill Creek from the Hudson River to the mill pond is classified as B - suitable for primary contact recreation and any other uses except as a source of water supply for drinking, culinary

or food processing purposes. The section to the Valentine Avenue Bridge is classified as C - suitable for fishing. The land and water uses proposed in this LWRP are consistent with this policy, and the water quality classifications are appropriate for the uses proposed. See also Policies 7,8,9,10,and 21.

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

Explanation of Policy

Most of Piermont is served by the municipal sanitary sewer system, including almost all of the LWRP area below Route 9W. However, on those sites where the soil is very thin and no sewer hook-ups are available, site plan review applicants to the Planning Board should be informed of alternative systems.

Alternative systems include small systems serving clusters of households or commercial users, pressure and vacuum sewers and composting toilets.

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, there is considerable infiltration of the Town and County sanitary sewer systems from stormwater runoff, although it is not a combined system. This results in overloading the secondary sewage treatment plants in Orangetown and the bypassing of untreated sewage, which is then discharged into the Hudson River and along the Piermont shoreline on an incoming tide. The Village has inspected its system and all the Village laterals are modern. Therefore, a relatively small percentage of this infiltration probably originates in Piermont.

Structural methods to control stormwater runoff and sewer overflows include the construction of stormwater retention basins and the replacement of deteriorated sewer mains. Nonstructural methods include best management practices and watershed management planning on a regional basis. Best management practices include a policy that new development or construction should provide adequate stormwater runoff retention facilities so that the peak rates of discharge are not increased beyond pre-development or preconstruction levels. This is referred to as the "zero increase" policy. (See Policies 7 and 37.) In Piermont, sanitary and stormwater lines have long been separated. Storm sewers drain into the Hudson.

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

POLICY 34A **NO CRAFT SHALL BE PERMITTED TO DOCK AT THE PIERMONT PIER, EXCEPT IN AN EMERGENCY, UNLESS THE CRAFT HAS RECEIVED A PERMIT FROM THE VILLAGE BOARD.**

Explanation of Policies

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft or marinas into Piermont Bay or the waters within its coastal jurisdiction is regulated by federal and State laws. Priority will be given to enforcement of this policy in areas proximate to tidal wetlands, significant fish and wildlife habitats, and public parks on the shoreline. Facilities for pumping out of marine sanitation devices will be promoted and encouraged at any public, commercial or club marine facility in Piermont Bay and will be required at new marinas.

The following requirements govern, in part, whether a vessel can receive a permit to dock in Piermont:

1. The craft must contain holding tanks for sanitary wastes, and have hose connections and fittings enabling the holding tanks to be pumped out at any standard pump-out station. The owner/operator shall file an initial certificate attesting to the presence of such facilities and fittings, and describing them, including capacity of tank(s). The owner/operator shall also provide an estimate of the number of days of intensive use the tank(s) can handle before requiring a pump-out. The Village will have the right to inspect the craft.

   The Village will determine a pump-out interval for the craft.

2. At each docking, the captain of the craft shall present to the Village receipts for pump-out, or display the craft's log, showing that the sanitary tank(s) have been pumped out within the time interval specified in 3.

3. For craft spending a prolonged lay-over at the Piermont Pier, periodic pump-out at the specified interval shall be required.

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

Explanation of Policy

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

Dredging and maintenance of the channel along the north side of the Pier into the commercial waterfront area is essential for waterfront revitalization. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Through careful timing which is based on environmental considerations and on design of the dredging operation, it is often possible to mitigate these potential adverse effects.

Dredging in Piermont Bay designed to preserve the viability of the existing marinas and establish access to a Village Landing, boat launch and possible new marina or "harbor of refuge" will require State Department of Environmental Conservation and/or Army Corps of Engineers permits, preceded by thorough plans defining maintenance areas to be dredged and the methods of removal, relocation, storage, transfer, disposal, and funding. All dredging must be undertaken at times during the year when significant fish habitats will be protected and wetlands not overloaded with silt. Any weakened or undermined stream banks and bulkheads must be repaired as part of these projects. No dredging south of the Pier in the Sparkill Creek or Estuarine Sanctuary is contemplated as part of the LWRP.

Within the past several years, one of the marinas successfully completed a dredging project and was able to place the spoil in the Clarkstown sanitary landfill. It is expected that the same practice will be followed.

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

Explanation of Policy

In addition to coastal waters, this policy also includes the Sparkill Creek which drains into the coastal waters of the Village. Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly

treated, stored, transported or otherwise mismanaged." The list of Department of Environmental Conservation-defined hazardous wastes is provided in NYCRR Part 366. The activities related to the shipment and storage of hazardous materials are regulated by federal and State laws, and it is highly desirable that this policy be implemented thoroughly. See also Policies 30 and 39.

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

Explanation of Policy

Stormwater runoff carries large quantities of silt, particularly in the Sparkill Creek, but also in other areas where slopes are unprotected by vegetation or terracing, where runoff bypasses storm drainage and where construction projects are improperly managed. Best management practices used to reduce nonpoint sources of pollution and erosion include, but are not limited to, soil erosion control practices, surface drainage control techniques, and organic pest management practices where feasible (particularly with regard to mosquito control in tidal wetlands). Direct control over runoff from slopes and streets will be achieved by insisting upon sound landscaping practices, careful site reviews and proper placement of storm drainage improvements. Efforts to enlarge Sparkill Creek conduits and channelize its banks must be resisted. Upstream communities must share the expense of clearing debris from the conduits and streambed and meet the expense of any necessary flood control measures upstream at the source of the runoff if the flooding from the Sparkill Creek is to be abated. Any proposals for new construction on wetlands within the Sparkill Creek watershed must be prohibited.

Through the use of the Village Code and site plan review provisions, best management practices will be used to reduce non-point sources of pollution. Guidelines regulating development or construction to be used in implementing this policy include the following:

1. Runoff or other non-point pollutant sources from any specific development must not be greater than would be the case under natural conditions. Appropriate techniques to minimize such efforts shall include, but not be limited to, the use of stormwater detention basins, rooftop runoff disposal, rooftop detention, parking lot storage, and cistern storage.

2. The construction site, or facilities, should fit the land, particularly with regard to its limitations.

3. Natural ground contours shall be followed as closely as possible and grading minimized.

4. Areas of steep slopes, where high cuts and fills may be required, should be avoided.

5. Extreme care should be exercised to locate artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.

6. Natural protective vegetation shall remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.

7. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water shall be limited.

8. The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.

9. A ground cover shall be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.

10. Runoff from a site shall be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.

11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume and runoff resulting from facilities constructed.

12. The angle for graded slopes and fills shall be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.

13. The length, as well as the angle, of graded slopes shall be minimized to reduce the erosive velocity of runoff water.

14. Rather than merely minimize damage, take the opportunity to improve site conditions, wherever possible.

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

Explanation of Policy

Surface and groundwater are the principal sources of drinking water in the State, and therefore must be protected. A few private wells exist in the Village, and with the rapidly escalating rates charged by the Spring Valley Water Company, others are thinking of converting back to private wells. The Village will not allow hook-ups of private wells to the public system and will discourage their use as a source of potable water. It should be noted that east of Main Street,

or east of Piermont Avenue north of Main Street, groundwater can never be a source of potable water because of salinity and dissolved contaminants.

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

POLICY 39A **ANY COUNTY-WIDE EFFORT TO IMPROVE SOLID WASTE HANDLING AND RESOURCE RECOVERY PROCEDURES, INCLUDING SUPPORT OF THE RECYCLING PROGRAMS SPONSORED BY THE VILLAGE CONSERVATION COMMISSION AND THE PIERMONT CIVIC ASSOCIATION, WILL BE SUPPORTED.**

Explanation of Policies

The definitions of the terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes. Hazardous wastes are defined in the explanation of Policy 36. Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

Former storage sites for hazardous materials from the industrial operations do not pose problems. A 1.25 acre site is listed as Class 4, "no hazard to human health".

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

Explanation of Policy

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

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

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area. Local land uses and planning standards must conform to national and State air quality standards.

Piermont is in a Level III category, as is much of Rockland County. Locally, air quality should not deteriorate because of new development on the pier. In fact, the former factories burned fuel to generate electricity and air-vented toluene. The change from manufacturing to residential and commercial will eliminate these sources of air pollutants. At their peak, the factories employed 1,500 workers and moved supplies by truck and diesel train. The peak traffic load under the zone change is less than with factory operators, and the heavy truck and train traffic have been eliminated.

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

Explanation of Policy

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

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

Explanation of Policy

Acid rain caused by the combustion by-products released principally by heavy industry, power plants and motor vehicles is causing serious damage to the environment by destroying fish and amphibian populations, stunting forest growth and damaging building exteriors. The air quality performance standards in Piermont will be consistent with this policy.

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

POLICY 44A **THE PIERMONT MARSH SHOULD BE PROTECTED FROM POLLUTANTS THAT WOULD ADVERSELY AFFECT THE ECOLOGY OF THE MARSH.**

Explanation of Policies

The Village's tidal and freshwater wetlands will be preserved and protected to the maximum extent possible consistent with the need for channel deepening and maintenance of shoreline erosion protection structures.

Currently, breaks in the outfall line occur in shallow waters, close to the shore, the Village Park along Ferry Road, and within the marsh. Sewage from the broken line has destroyed the crab population in these areas; and marsh birds, such as egrets, no longer forage in Piermont. They did, as recently as three years ago.

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetlands areas are officially delineated on the DEC's Tidal Wetlands Inventory Map and are also identified on the coastal resources map entitled "Natural Resources Inventory." The most notable tidal wetlands in the Village is the Piermont Marsh.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York Protection of Waters Act. The Brookside Sanctuary on the Sparkill Creek and the Whiton Pond drainage on the shoulder of the Palisades slope are notable freshwater wetlands in Piermont.

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

a. habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;

b. erosion, flood and storm control;

c. natural pollution treatment;

d. groundwater protection;

e. recreational opportunities;

f. educational and scientific opportunities; and

g. aesthetic open space in many otherwise densely developed areas.

The existing sewer outfall line must be repaired to eliminate leaks and should be extended out to the main channel. The end of the outfall line is within the current shadow of the pier, and currents sweeping around the pier carry that part of the effluent which manages to reach the end of the outfall line back into the marsh. An extended (and intact) outfall line, reaching deeper water and faster currents, would permit much greater dilution of sediments before they settle. The BOD (Biological Oxygen Demand) would also be reduced by dilution, and by the fact that the oxygen demand would be partly satisfied during the longer period before the material reached shallower waters downstream. Some parts, of course, would then never reach shallow waters.

See Policies 7 and 30.