
**Section III
Waterfront
Revitalization
Policies**

Waterfront Revitalization Policies

Policy 1

Foster a pattern of development that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of coastal location, and minimizes adverse effects of development.

A small city, slightly more than one square mile, Watervliet does not have a competitive advantage in new office park development. What the City does have is a long, rich history and a relatively intact historic development pattern in much of its waterfront area. The City's growth was prompted largely by the Hudson River and the Erie Canal, and each one's role as a key transportation corridor for commerce and trade in the new world. In addition to the Watervliet Arsenal, the City has several other historically significant resources (St. Nicholas Ukrainian Catholic Church, James Roy Mill Site), as well as cultural icons (Gus's Hotdogs).

The community character of the City is defined by a traditional 19th century pattern of commercial and residential development clustered around its waterfront. Today, much of the City's waterfront upland is underutilized and in need of physical enhancements and financial investment. The City needs to capitalize more on its inherent values and pursue creating a more attractive environment for residents and visitors alike. There are many vacant retail spaces within the waterfront area that the City would like to see become viable businesses. As part of this LWRP, the City would like to develop a cultural promotion program that will link historic structures, sites and uses to the City's history and highlight the City's other resources, including Hudson Shores Park and the Mohawk Hudson Bike Hike Trail. In conjunction with this, the City is also looking to promote the development of tourism-related uses on its waterfront upland located west of Broadway. These uses would include restaurants, outdoor cafes, antique shops, and retail shops.

These objectives are consistent with the City's long-standing planning goals, which are aimed at preserving and enhancing the character of its commercial areas, particularly its Central Business District (CBD) centered at 3rd Avenue and 19th Street, and reconnecting the City's waterfront to the rest of the City.

This policy is intended to foster a pattern of development that provides for economic prosperity and the beneficial use of waterfront resources in Watervliet. The primary components of

the desired development pattern are: strengthening economic activity in the CBD, encouraging water-dependent and water-enhanced recreational activities along the Hudson River shoreline, reconnecting the City to its shoreline, both physically and psychologically, and encouraging the development of tourism related uses and businesses within the LWRP area.

1.1 Focus redevelopment efforts to revitalize deteriorated and underutilized waterfront areas and reconnect the City with its shoreline.

Watervliet's waterfront should be designed and developed to attract people to the shore. Strong links, including both physical connections and wayfinding signage, should be developed to connect the shoreline with the upland waterfront area and adjacent CBD. Development and redevelopment decisions should be compatible with community and regional needs, as well as market demands.

Since I-787 transverses the City right along its shoreline, the City will focus redevelopment efforts on Hudson Shores Park. A variety of uses will be encouraged at the Park to act as a catalyst for additional development in the area. Such uses should meet the recreational needs of City residents, while also drawing more non-residents to the City's waterfront. Use of the site for a farmer's market, an amphitheater for shows and a restaurant are encouraged. Because space along the shoreline is severely limited, a seasonal barge could house a restaurant, similar to what the City of Albany has along the Corning Preserve. Such a seasonal structure would float on the water and would be temporary in nature.

A major aspect of developing the waterfront is improving access to Hudson Shores Park. Currently access to the Park is limited to a poorly maintained trail at 23rd Street which pedestrians and cyclists must transverse several I-787 ramps to get to. Providing for additional, safer access to Hudson Shores Park would likely result in increased utilization of the park. Possible alternatives for creating additional access to the Park include construction of an overhead pedestrian bridge, a staircase from Congress Street, or an underground entrance from Broadway. An off-road extension of the Mohawk Hudson Bike Hike could be constructed along the shoreline from Fourth Street to connect at 15th Street with the Hudson Shores Park trail. In addition to opening up access to Hudson Shores Park via the Fourth Street trailhead, and allowing residents to access the Park via Broadway, it would also result in

better utilization of the park, as trail cyclists could continue on to Hudson Shores Park.

Redevelopment and revitalization efforts should highlight the City's existing resources, especially those contributing to Watervliet's identity. This includes both its local history and the role it played in the nation's history. Revitalization efforts in the upland waterfront area should focus on fostering new commercial and retail uses in vacant and underutilized buildings and on promoting appropriately scaled infill development on vacant parcels. Deteriorated commercial and residential properties should be rehabilitated to reinforce community identity, strengthen the viability of the City's waterfront, and foster stable neighborhoods. Successful revitalization of the waterfront would require the development of additional public parking opportunities.

All development or uses should recognize the unique qualities of a coastal location by:

- Ensuring that design and siting of uses and structures complements the surrounding community and landscape, and makes beneficial use of its coastal location and resources.
- Minimizing potential adverse impacts on natural resources.
- Limiting shoreline alteration and surface water coverage.
- Incorporating recreational activities, public access, open space, or amenities, as appropriate, to enhance the site and the surrounding community, and to increase visual and physical access to the coast.
- Attracting people to the coast, as appropriate.
- Using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demand.
- Reinforcing community identity by highlighting local history and important natural and man-made features.

1.2 Ensure that development or uses make beneficial use of their coastal location.

The amount of waterfront and its associated resources are limited. All uses should relate to the unique qualities associated with a waterfront location. Consideration should be given to whether a use is appropriate for a waterfront location. When planning waterfront development or redevelopment, the waterfront location should be reflected in the siting, design, and orientation of the development. Given the development constraints associated with the City's shoreline, the types of uses that would make beneficial use of the City's waterfront include parks and trails. Additionally, in Hudson Shores Park, an amphitheater and temporary barge restaurant would be appropriate.

1.3 Maintain and enhance natural areas, recreation and open space lands.

Open space and recreational land contribute to a variety of public benefits including scenic and recreational benefits, as well as environmental benefits. These lands may support fish and wildlife habitat, provide watershed management of flood control benefits.

Future uses should relate to the unique qualities associated with a publicly owned, waterfront location. Existing water-dependent uses, such as fishing should be protected and enhanced. Viable water-dependent uses, such as recreational boating, should be promoted. The City-owned shoreline should be developed to support additional waterfront recreation uses, both water-dependent and water-enhanced uses that will appeal to a variety of users and encourage increased usage of the shoreline by a variety of users.

A variety of uses should be developed at Hudson Shores Park to act as a catalyst for additional development in the area. Uses at this park that should meet the recreational needs of City residents, while also drawing more non-residents to the City's waterfront. Examples of uses to be encouraged include farmers markets, an amphitheater for shows, and a restaurant. To maintain open space at the park for recreational uses, considering the use of a seasonal barge, similar to what the City of Albany has along the Corning Preserve, will be considered. The barge, which would be 42 feet by 200 feet and would rise 23 feet above water elevation, would be located approximately 100 feet from the shoreline. It is anticipated that the barge, at that distance, will have little impact on parkside

views of the river. In addition, the barge will provide much enhanced, close up views of the river.

Cognizant of the specifics associated with coastal locations, water-dependent and water-enhanced uses in Watervliet should be sited, oriented, and designed to:

- Attract people to the waterfront and provide opportunities for coastal access.
- Provide public views to or from the water.
- Provide improved connections between the waterfront and the upland.
- Make the best use of the City-owned waterfront park for a variety of water-dependent and water-enhanced recreational uses.
- Not cause significant adverse impacts to community character and surrounding land and water resources.

In addition, uses that would result in any of the following should be avoided:

- Unnecessary and avoidable loss of coastal resources.
- Substantial impairment of habitats and wetlands.
- Deterioration of water quality and unacceptable changes to natural erosion processes.

1.4 Minimize the adverse impacts of new development or redevelopment in the City's waterfront.

To enhance community character and maintain the quality of the natural and man-made environment, potential adverse impacts of new development and redevelopment on natural resources, existing land uses, physical environments, and economic factors should be addressed and mitigated.

Development should reflect existing site characteristics, limit disturbance of land and water, and foster visual compatibility with surrounding areas.

The size, scale, and design of redevelopment should be compatible with the character of the City's waterfront area. Redevelopment of sites within the waterfront area and development of new uses should be designed to meet community needs, both through type of use and physical accessibility. Proposed uses and development should reconnect the City with its waterfront, and ameliorate the isolated nature of the City's waterfront.

Any proposed activities along the shoreline will be constructed in a manner that meets the requirements identified by the City in its zoning code. This would include that any proposed development, where applicable, connect to the City's public sewer infrastructure and be subject to site plan review.

Proposed activities should protect the surrounding community from adverse impacts due to substantial introductions of or increases in odors, noise or traffic. Appropriate design measures, such as sound barriers and/or buffers should be used to mitigate conflicts between incompatible land uses. Cumulative and secondary adverse impacts from development and redevelopment should be minimized.

Potential adverse economic impacts should be minimized, as follows:

- Prevent deterioration of the waterfront and surrounding area by preventing derelict or dilapidated conditions to prevail;
- Avoid uses that detract from community character; and
- Protect and enhance the economic base of the community and promote economic diversity.

1.5 Protect and improve stable residential areas.

The existing residential neighborhoods in the City are important to the overall character and economic functioning of the area. New development located in or adjacent to existing residential areas in the City's waterfront area should be compatible with neighborhood character.

The scale, size, and architecture of new development in the City's residential areas should be consistent with the area's existing development. New uses should be designed to enhance and

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strengthen the City's residential areas, not impair neighborhood character.

Preserve historic resources in the City of Watervliet.

This policy recognizes the importance of preserving and enhancing the area's historic, archaeological, and cultural resources, especially those with a connection to the Hudson River and the City's historic waterfront. Effective preservation of historic resources must also include active efforts to restore or revitalize aging structures and also promote an awareness of the City's history and traditions.

The City of Watervliet was incorporated in the 19th century when the three original villages, Port Schuyler, Gibbonsville, and West Troy, were cobbled together. The City has a traditional grid pattern with wide avenues running north-south, and generally narrower streets run east west. A relatively small community, at 1.3 square miles, the City is 98% developed, with most of the structures dating back to 1939 and earlier.

Due to urban renewal of the 1960s and the subsequent construction of I-787, the City's tangible connections to several of its most precious resources, such as the Hudson River, have been severed. However, many of the City's historic resources do remain. Resources listed on the National Register include the Watervliet Arsenal Historic District, the Watervliet Side-Cut and Double Lock, and Schuyler Flatts. The Arsenal and Schuyler Flatts are also designated National Historic Landmarks.

In addition to the above noted historic structures, historic resources that would be covered under this policy include those structures, districts, areas and sites that are listed or designated as follows:

- any historic resource in a federal or state park established, solely or in part, in order to protect and preserve the resource.
- any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places.
- any cultural resource managed by the New York State Nature and Historic Preserve Trust or the New York State Natural Heritage Trust.

- any archaeological resource which is on the inventories of archaeological sites maintained by the New York State Department of Education or the Office of Parks, Recreation, and Historic Preservation.
- any resource which is a significant component of an Urban Cultural Park.
- any locally designated historic or archaeological resources protected by a local law or ordinance.

Historic resources and archaeological sites are tangible links to the past development of the City. They are important components in defining the community's distinctive identity and heritage. Therefore, the effective preservation of historic resources must also include efforts to restore and revitalize important resources, where appropriate. The intent of this policy is to preserve these resources in the City of Watervliet.

In identifying those elements important in defining the character and value of an historic resource, designation information, available documentation and original research should be used. Important character-defining elements of the resource should be identified in terms of:

- time, place, and use.
- materials, features, spaces, and spatial relationships.
- setting within its physical surroundings and the community.
- association with historic events, people, or groups.

The value of the historic resource should be determined as indicated by:

- its membership within a group of related resources which would be adversely impacted by the loss of any one of the group.
- the rarity of the resource in terms of the quality of its historic elements or in the significance of it as an example.

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- the significance of events, people, or groups associated with the resource.

2.1 Maximize preservation and retention of historic resources in the City of Watervliet.

The historic character of significant resources identified in the City shall be preserved by protecting historic materials and features as follows:

- Evaluate the physical condition of important materials and features.
- Stabilize materials and features to prevent further deterioration.
- Protect important materials and features from inadvertent or deliberate removal or damage.
- Ensure the protection of historic elements through a program of nonintrusive maintenance of important materials and features.
- Foster uses that maximize retention of the historic character of the resource and minimize alterations so as to preserve and retain the character of the structure.
- Repair historic materials and features according to recognized preservation methods when their physical condition warrants.
- Alterations should not obscure, destroy or radically change character defining spaces, materials, features, or finishes in order to reduce adverse impacts to the resource.
- Alterations may include selective removal of features that are not historic elements of the resource and its setting and its removal does not detract from the overall historic character of the resource.
- Minimize potential negative impacts on the historic character of the resource due to necessary updates to systems in order to meet health and safety code requirements or to conserve energy.

- In constructing new additions, use appropriate design and construction to minimize adverse impacts to historic character and allow for the visual compatibility of the new and old sections of structure.

The loss of historic resources or the historic character of an area shall be minimized when it is not possible to completely preserve the resource.

- Historic structures should be relocated only when the resources cannot be preserved in place.
- Demolition of a resource should only be allowed where alternatives for retention are not possible.

Avoid potential adverse impacts of development and redevelopment on adjacent or nearby historic resources.

- Historic resources should be protected by ensuring that development is compatible with the historic character of the affected resource.
- Potential development should be designed to a size, scale, proportion, mass, and with a spatial relationship compatible with the historic resource.
- Potential development should be designed using materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.

Limit adverse cumulative impacts on historic resources.

- Minimize the potential adverse cumulative impact on an historic resource, which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.
- Minimize the potential cumulative impacts of a series of otherwise minor interventions on an historic resource.
- Minimize potential cumulative impacts from development adjacent to the historic resource.

2.2 Protect and preserve archaeological resources.

When a development action is proposed in the City of Watervliet on an archaeological site, fossil bed, or in an area identified for potential archaeological sensitivity on the archaeological resources inventory maps prepared by the New York State Department of Education, a cultural resource investigation will be conducted.

- A site survey will be undertaken to determine the presence or absence of cultural resources in the project area.
- If cultural resources are discovered as a result of the initial survey, a detailed evaluation will be conducted to allow for a determination of the resource's archaeological significance.

If the potential for impacts to an archaeological resource exists, adverse impacts shall be minimized by:

- redesigning the project.
- mitigating direct impacts on the resource.
- recovering significant data/resources prior to construction.

Disturbance or adverse effects to any archaeological or paleontological resources situated on or under lands owned by the State of New York. These resources may not be appropriated for private use.

With respect to activities that involve excavation in the City of Watervliet, public agencies and utilities should contact the New York State Office of Parks, Recreation, and Historic Preservation to determine appropriate protective measures for archaeological resources.

Enhance visual quality and protect outstanding scenic resources.

Coastal landscapes possess inherent scenic qualities. Some of the elements that draw people to the water's edge include the presence of water and ever-changing expansive views, the ephemeral effects of wildlife and atmospheric changes, and the visually interesting

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working landscape. Because of its importance, scenic quality should be considered in balancing wise use and conservation of waterfront resources.

3.1 Protect and improve visual quality within the City of Watervliet.

The visual quality of the City's landscape is an important aspect of the City's historic character. Given its role in history and the development of commerce via the Hudson River and Erie Canal, the City includes many historic buildings and structures. Preservation of these resources is necessary to ensure the continued visual quality of the City.

3.2 Protect and improve visual quality within the City of Watervliet's Central Business District.

The visual quality of the City's Central Business District, centered at 19th Street and Second Avenue, should be preserved and enhanced. Many of the structures in the CBD are historic and should be rehabilitated and renovated. Efforts should be made to improve and enhance the visual quality of the CBD through streetscape design, signage, gateway development, and other aesthetic treatments. Such efforts would aid in boosting the attractiveness of this area, thereby making the district a more inviting location for tourism and economic activity and improving its overall connection to the waterfront.

Policy 4

Minimize loss of life, structures, and natural resources from flooding and erosion.

This policy seeks to protect life, structures, and natural resources from the hazards of flooding and erosion. The policy reflects State flooding and erosion regulations and provides measures for reduction of hazards and protection of resources. While the City of Watervliet has a mostly natural shoreline, a section of the City's northern shore was created through infill to accommodate highway construction. Portions of the City are located within the 100-year flood zone, as designated by the National Flood Emergency Management Agency. The City participates in the National Flood Insurance Program, with a Flood Damage Prevention Ordinance in place since 1987. This ordinance was adopted in order to prevent future property damage within the flood hazard area.

According to City's Flood Damage Prevention Ordinance, the City's shoreline is within the Floodway or Regulatory Floodway. As such, it is defined in the Ordinance as "part of the adjacent land areas of a [channel of] river that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by FEMA in a flood insurance study or by other agencies." Identified as "an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces" in the Flood Damage Prevention Ordinance, encroachments including "fill, new construction, substantial improvements and other development," are prohibited within the limits of the floodway, unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.

Bisected by I-787, Watervliet's shoreline is severely limited in size and is in public ownership. The City owns Hudson Shores Park, while the State has jurisdiction over the Mohawk Hudson Bike Hike Trail head. As much of this area is also designated Floodway, the City's shoreline is essentially undevelopable. While there is, and has been historically, much interest in seeing additional waterfront uses and activities in the City, there are substantial environmental limitations that would need to be overcome to allow the development of any new uses along the shore.

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4.1 Minimize losses of human life and structures from flooding and erosion hazards.

Minimize potential loss and damage by locating development and structures away from flooding and erosion hazards. Continue to enforce the Flood Damage Prevention Ordinance to ensure that new construction is appropriately located and properly protected. Avoid developing new structures and uses in areas likely to be exposed to hazards unless the structure or use requires a coastal location or is in an area of substantial public investment. Public infrastructure in or near identified high velocity flood zones should not promote new development, should not impair natural protective features, and should be designed to avoid or withstand damage from flooding and erosion.

Use vegetative non-structural measures that have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry, and sediment composition.

Hard structural erosion protection measures should be used for control of erosion only where:

- Avoidance of the hazard is not appropriate because a structure is functionally dependent on a location on or in coastal waters and/or is located in an area of extensive public investment.
- Vegetative approaches to controlling erosion are not effective and construction of a hard structure is the only practical design consideration and is essential to protecting the principal use. The proposed hard structural erosion protection measures should be limited to the minimum scale necessary, based on sound engineering practice, and include practical vegetative methods in the project design and implementation.
- Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.
- Any activities proposed within the waterfront area must be conducted in a manner that adheres to *New York State Department of Environmental Conservation Standards and Specifications for Erosion and Sediment Control*.

4.2 Preserve and restore natural protective features by minimizing interference with natural coastal processes.

Provide for natural supply and movement of unconsolidated materials and for water and wind transport.

Intrusion of structures into coastal waters should be limited. However, limited interference may be allowed where the principal purpose of the structure is necessary to:

- Simulate natural processes where existing structures have altered the coast.
- Provide necessary public benefits for flooding and erosion protection.

- Provide for the efficient operation of a water-dependent or water-enhanced public use.

Limited interference is to be mitigated to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

Retain ownership of public trust lands, which have become upland areas due to fill or accretion resulting from erosion control projects.

Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.

Provide and maintain compensatory mitigation of unavoidable impacts to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, or to public trust lands and their use.

4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.

- Manage navigation channels to limit adverse impacts on coastal processes.
- Design channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas by:
 - using dredging setbacks from established channel edges and designing finished slopes to ensure their stability.
 - locating channels away from erodible features, where feasible.
 - preventing adverse alteration of basin hydrology.

4.5 Expend public funds for management or control of flooding or erosion hazards only in areas of the coast that will result in proportionate public benefit.

- Expenditure of public funds for flooding or erosion control projects:
 - Is limited to those circumstances where public benefits exceed public costs
 - Is prohibited for the exclusive purpose of flooding or erosion protection for private development, and
 - May be apportioned among each level of participating governmental authority according to the relative public benefit accrued.
- Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include:
 - Economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce.
 - Protection of significant natural resources and maintenance or restoration of coastal processes.
 - Extent of public infrastructure investment or extent of existing or potential public use.

Policy 5

Protect and improve water resources.

The purpose of this policy is to protect the quality of water in the waterfront area. Quality considerations include both point and nonpoint source pollution. Efforts to protect and improve water quality must include both managing new and addressing existing sources of pollution. The City has been actively pursuing the improvement of area stormwater runoff, as a participant in the Albany County Water Quality MS4 Sub Committee, and through efforts to eliminate combined sewer outfalls (CSOs). The City is completely sewerred, with all new developments and projects required to connect to the public sewer system under the Zoning Ordinance.

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5.1 Prohibit direct or indirect discharges that would cause or contribute to contravention of water quality standards and targets.

Prevent point source discharges into coastal waters and manage or avoid land and water uses which would:

- Exceed applicable effluent limitations.
- Cause or contribute to contravention of water quality classification and use standards.
- Materially adversely affect receiving water quality.
- Diminish water quality in the Hudson River through violation of a vessel no-discharge zone.

Effective treatment of sanitary sewage and industrial discharges should be ensured through the efficient operation of sewage and industrial treatment facilities. Existing sewage treatment facilities should be modified to provide improved nitrogen removal capacity. Effective secondary treatment of sanitary sewage should be provided, and where feasible, additional treatment, particularly for nitrogen removal, should be incorporated into plans for new or upgraded wastewater treatment plants.

Limiting the infiltration of excess water in collection and transport systems and eliminating any unauthorized collection system hookups should reduce demand on treatment facilities. Pretreating industrial wastes and limiting discharge volumes and pollutant loadings to or below authorized levels can effect other demand reductions. Low-flow water conservation fixtures should be installed in both new development and when replacing fixtures in existing development.

The loadings of toxic materials into coastal waters should be reduced by placing limits on toxic metals as part of wastewater treatment plant (WWTP) effluent permits. The City should continue to pursue funding to eliminate the City's remaining combined sewer outfalls (CSOs).

5.2 Minimize nonpoint pollution of coastal waters and manage activities causing nonpoint pollution.

Limit nonpoint sources of pollution by:

- Reducing or eliminating the introduction of materials which may contribute to nonpoint pollution;
- Avoiding activities that would increase off-site stormwater runoff and transport of pollutants;
- Controlling and managing stormwater runoff to minimize transport of pollutants, restore degraded natural stormwater runoff conditions, and achieve a no-net increase of runoff where unimpaired stormwater runoff conditions exist;
- Retaining or establishing vegetation to maintain or provide soil stabilization and filtering capacity in riparian and littoral zones
- Preserving natural hydrological conditions to maintain natural surface water flow characteristics, retain natural watercourses and drainage systems (where present), and
- Where natural drainage systems are absent or incapable of handling the anticipated runoff demands, developing open vegetated drainage systems as a preferred approach, with long and indirect flow paths to decrease peak runoff flows, and using closed drainage systems only where site constraints and stormwater flow demands make open systems infeasible.
- Reduce pollutant loads to coastal waters by managing unavoidable nonpoint sources and using appropriate best management practices as determined by site characteristics, design standards, operational conditions, and maintenance programs. Vegetative means should be used, wherever possible, to protect stream banks and shorelines from erosion.
- Reduce nonpoint source pollution using management measures appropriate to specific land use or pollution source categories.

For Urban Land Uses:

- For new development, manage total suspended solids in runoff to remain at predevelopment loadings. To help achieve this, best management practices (BMPs) identified in the *New York State Department of Environmental Conservation Stormwater Management Design Manual*, should be used.
- For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff.
- For construction sites, reduce erosion and retain sedimentation on site, and limit and control use of chemicals and nutrients.
- For roads, highways, and bridges, minimize to the extent practical the runoff of contaminants to coastal waters.
- Any future waterfront development must connect to the Watervliet municipal sewer system.

For Floatables and Litter:

- Direct or indirect discharges of refuse or litter into the Hudson River, or upon public lands contiguous to and within 100 feet of waters of the River, should be prohibited.
- Through proper containment and litter prevention, the entry of refuse and other floatables into the Hudson River should be limited. Floatables and litter in surface waters and shorelines should be removed and disposed of.
- Implement pollution prevention and education programs to reduce discharge of floatables and litter into City storm drains.

5.3 Protect and enhance water quality of coastal waters.

Protect water quality of the City's waterbodies based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).

Protect water quality of the Hudson River and the “Little River” from the adverse impacts associated with excavation, fill, dredging, and disposal of dredged materials by avoiding and/or mitigating such activities.

5.4 Protect and conserve quality and quantity of groundwater resources.

Prevent contamination of groundwater resources by limiting pollutant discharge, maintaining water quality in accordance with State designated classification, and limiting land use practices likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.

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Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

This policy requires that coastal ecosystems, including designated significant coastal fish and wildlife habitats, as well as other fisheries, wetland habitats, or wildlife habitats, be protected and restored. There are no significant coastal fish and wildlife habitats located in the City. There are certain natural resources in the City of Watervliet that warrant protection and restoration. These resources, which include the Hudson River, several wetlands including a portion of Schuyler Flatts wetlands known as “Little River,” and plant and animal populations, contribute to the City’s quality of life.

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6.1 Protect and restore the quality and function of ecosystems.

The Hudson River has been identified as a freshwater fishery supporting a variety of species, including both fish and shellfish. The Hudson River also offers important resting and feeding areas for migratory birds. To protect and restore these resources, any uses or activities that would destroy habitat values, or significantly impair the viability of a habitat, should be avoided.

Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Mitigation measures should be selected to ensure the least environmentally damaging feasible alternative. Mitigation measures include:

- Avoiding potential adverse impacts, through avoiding ecologically sensitive areas; scheduling activities to avoid vulnerable life cycle periods; and preventing fragmentation of intact habitats.
- Minimizing potential, although unavoidable, adverse impacts, through reducing scale or intensity of use or development; choosing alternative actions or methods that would lessen potential impact; and careful design of projects.
- Specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment

6.2 Protect and restore freshwater wetlands.

Wetlands provide numerous benefits, including, but not limited to, habitat for wildlife, erosion and flood control, natural pollution treatment and filtration, groundwater protection, and aesthetic open space. The City houses one rather sizable freshwater wetland, located at the City's southern end, bordering the Mohawk Hudson Bike Hike Trail head. Part of the Schuyler Flatts wetlands, this wetland is known as "Little River." Regulated by the NYS Department of Conservation, the wetland is 14.6 acres in size, but only approximately 6 acres are located in the City of Watervliet. Most of the wetland is located in the Town of Colonie to the south of the City.

The following measures can further the protection or restoration of wetlands:

- Compliance with the statutory and regulatory requirements of the Freshwater Wetlands Act and the Stream Protection Act.
- Prevention of the net loss of wetlands by avoiding placement of fill or excavation of wetlands; minimizing adverse impacts resulting from unavoidable fill, excavation or other activities; providing compensatory mitigation for adverse impacts which may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished; and providing and maintaining adequate

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buffers between wetlands and adjacent or nearby uses and activities in order to ensure protection of the wetlands character, quality, values and functions.

Protect and improve air quality in the coastal area.

This policy provides for protection of the coastal area from air pollution generated within the coastal area or adversely affecting coastal air quality.

7.1 Comply with State standards that control and prevent the degradation of air quality in the City of Watervliet.

Limit pollution resulting from new or existing stationary air contamination sources, consistent with:

- Attainment or maintenance of any applicable air quality standards.
- Applicable New Source Performance Standards.
- Applicable control strategy of the State Implementation Plan,
- Applicable Prevention of Significant Deterioration requirements.
- Recycle or salvage air contaminants using best available air cleaning technologies.
- Limit pollution resulting from vehicular or vessel movement or operation, including actions that directly or indirectly change transportation uses or operation, consistent with attainment or maintenance of applicable ambient air quality standards, and applicable portions of any control strategy of the State Implementation Plan.
- Restrict emissions of air contaminants to the outdoor atmosphere that are potentially injurious to human, plant, or animal life or property, or that would unreasonably interfere with the comfortable enjoyment of life or property.
- Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final

control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

7.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.

State air quality standards regulate radioactive materials and pollutants. For actions with a potential impact on air quality, the City shall provide necessary information, as appropriate, to the State to enable the State to effectively administer its air quality statutes pertaining to atmospheric radioactive material.

7.3 Capture and recycle chlorofluorocarbon compounds during service and repair of air-conditioning and refrigeration units to the greatest extent possible.

State air quality standards regulate chlorofluorocarbon pollutants. For actions with a potential impact on air quality, the City shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to chlorofluorocarbon compounds.

7.4 Limit sources of atmospheric deposition of pollutants, particularly from nitrogen sources.

State air quality standards regulate sources of nitrogen pollution. For actions with a potential impact on air quality, the City shall assist the State, whenever possible, in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region, particularly nitrogen sources.

Policy 8

Minimize environmental degradation in the Coastal Area from solid waste and hazardous substances.

The intent of this policy is to protect people from sources of contamination and to protect the City of Watervliet's coastal resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites to permit redevelopment.

Watervliet does not have any active hazardous waste sites located within the waterfront area or adjacent to the waterfront area. The City, while it does house several industrial/commercial uses in the waterfront area, including the Watervliet Arsenal and Passano

Policy Standards

Paints, is primarily zoned for residential development. The Hudson River is a no-discharge zone and no wastes are emitted into the river. As the City does not have a port, there are not loading/unloading activities that may result in potentially hazardous materials being spilled into the river.

8.1 Manage solid waste to protect public health and control pollution.

Municipalities must plan for the proper and effective disposal of solid waste, defined under ECL §27-0701 and 6 NYCRR Part 360-1.2, prior to undertaking major development or redevelopment activities that generate solid waste.

In the management of solid waste, priority must be given to reducing the amount of solid waste generated; reusing and recycling; and using land burial or other approved methods to dispose of non-reusable or recyclable solid waste.

Create and support a market for maximum resource recovery by using materials and products manufactured with recovered materials, and recovering materials as a source of supply for manufacturing materials and products.

Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.

Operate solid waste management facilities to prevent or reduce water pollution, air pollution, noise pollution, obnoxious odors, litter, pest infestation, and other conditions harmful to the public health.

8.2 Manage hazardous wastes to protect public health and control pollution.

Hazardous wastes, defined under ECL §27-0901 and 6 NYCRR Part 371, must be managed in accordance with the following priorities:

- Eliminate or reduce generation of hazardous wastes to the maximum extent practical.
- Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.

- Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes, which cannot be reduced, recovered, reused, or recycled.
- Phase out land disposal of industrial hazardous wastes.
- Ensure the maximum safety of the public from hazards associated with hazardous wastes through the proper management and handling of industrial hazardous waste treatment, storage, and disposal.
- Remediate inactive hazardous waste disposal sites.
- Expedite remediation of substances hazardous in developed centers to permit redevelopment of the sites.
- Select a remediation remedy at a particular site to ensure that the public health and the environment will be protected. The future use of a site may determine the selected cleanup levels.

8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment.

- The release of toxic pollutants, as defined under ECL §17-0105, and hazardous substances, as defined under ECL §37-0101, should be prevented. These substances, if released, would have a deleterious effect on fish and wildlife resources.
- To prevent environmental degradation caused by persistent toxic pollutants, the discharge of bioaccumulative substances should be limited and the resuspension of toxic pollutants and hazardous substances and wastes should be prevented. Resuspension of such pollutants may allow bioaccumulative substances re-entry of into the food chain.
- Prevent and control environmental pollution due to release of radioactive materials as defined under 6 NYCRR Part 380.
- Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides, as defined under ECL §33-0101 and 6 NYCRR Part 325. Use of pesticides should be limited to effectively target pest

populations as indicated through integrated pest management methods. The direct or indirect entry of pesticides into waterways should be prevented and the exposure of people, fish, and wildlife to pesticides should be minimized.

- Report, respond to, and take action to correct all unregulated releases of substances hazardous to the environment.

8.4 Prevent and remediate discharge of petroleum products.

- Minimize adverse impacts from potential oil spills by appropriate siting of petroleum off-loading facilities.
- Demonstrate that an adequate plan for prevention and control of petroleum discharges is in place at any major petroleum-related facility.
- Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.
- Clean up and remove any petroleum discharge in accordance with the guidelines contained in the *New York State Water Quality Accident Contingency Plan and Handbook* and the procedures specified in the *New York State Water Quality Accident Contingency Plan and Handbook*. This includes giving first priority to minimizing environmental damage by responding quickly to contain spills and containing discharges immediately after discovery. Best available practices should be used to recover and recycle petroleum discharges.
- Transport solid waste and hazardous substances and waste using routes and methods which protect the safety, well-being, and general welfare of the public and the environmental resources of the State; and protects continued use of all transportation corridors and highways and transportation facilities.

Policy 9

8.5 Site solid and hazardous waste facilities to avoid potential degradation of coastal resources.

- Solid and hazardous waste facilities should not be located within the coastal area unless there is a demonstrated need for waterborne transport of waste materials and substances.
- Preclude impairment of the Hudson River from solid and hazardous waste facilities by siting these facilities so that they are not located in or would not adversely affect any surface waters, primary water supplies, or principal aquifers; habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities; and wetlands.

Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the coastal area.

Along many stretches of New York State's coast, physical and visual access to coastal lands and waters is limited. Existing development has made much of the coast inaccessible and new development has been eliminating remaining opportunities to provide meaningful public access. In addition to diminishing opportunities for physical access, visual access has also been lost due to the loss of vantage points or outright blockage of views. These limitations to access are compounded by a lack of diverse recreational opportunities at those sites that do provide access. Often available access and recreational opportunities are limited to local residents.

Deriving its name and much of its history from the water that runs along side it, the City of Watervliet's long relationship with the Hudson River was effectively severed in 1968 with the construction of I-787. While the interstate cuts off the City from its historic port, both physically and visually, it did result in the development of a publicly accessible waterfront park. In 1975, the State constructed Hudson Shores Park. Originally property of the NYS Department of Transportation, the 9-acre parcel was turned over the City in the late 1990s. The other waterfront property in the City is the Fourth Street trailhead which provides access to the off-road segment of the Mohawk Hudson Bike Hike Trail. Owned by the State, this facility is small, with limited parking, but provides access to Albany's Corning Preserve via the Mohawk Hudson Bike Hike trail.

Policy Standards

Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide public access throughout the coastal area. The need to maintain and improve existing public access and facilities is the first of these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. The second measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

9.1 Promote appropriate physical public access and recreation throughout the coastal area.

Improving public access to the Hudson River in the City of Watervliet is very important. Waterfront access for the public and recreation facilities can attract tourists, improve the quality of life for residents and help to enhance the economic vitality of the City. The following standards should be used to guide future decision making with regard to public access and expansion of public recreational opportunities both within Hudson Shores Park and elsewhere in the City's waterfront area.

Provide a level of public access and type of recreational use which takes into account proximity to the City's Central Business District and upland commercial areas; public demand; type and sensitivity of natural resources that may be affected; public accessibility and safety; needs of special groups such as the elderly and persons with disabilities; and the potential for adverse impacts on adjacent land uses.

Provide convenient, well-defined physical public access to and along the Hudson River for water-related recreation.

Protect and maintain existing public access and water-related recreation facilities through proper maintenance, appropriate provision of supporting infrastructure; and ensuring that new development does not hinder physical public access and recreation.

Provide additional access and recreation facilities at public sites throughout the coastal area by enhancing the activities of the City's waterfront parks to appeal to more area residents; providing for improved access to the shoreline, possibly through streets terminating at the shoreline; facilitating public access and recreation through appropriate federal or state projects or funding;

and retaining public ownership of all the City's waterfront park and recreation lands.

Provide physical access linkages among public access sites, open space areas, public trust lands, and nearshore surface waters. Expand recreational opportunities within the State via the creation of physical linkages that would establish blueways and greenways. Expansion of the off-road portion of the Mohawk Hudson Bike Hike Trail along the City of Watervliet's shoreline would further this objective.

Provide physical public access to, and/or water-related recreation facilities, and water-enhanced activities on, coastal lands and waters whenever development or activities are likely to increase the public's use and enjoyment of public coastal lands and waters. Provide incentives to private development projects which provide public access and/or water-related recreation facilities.

9.2 Provide public visual access to coastal lands and waters or open space at all sites where physically practical.

- To the greatest extent possible, views of the Hudson River should be expanded to allow full appreciation of this resource from Hudson Shores Park.
- To avoid loss of existing visual access from Hudson Shores Park, any proposed development at the park or along the shoreline should be sensitively designed to not impede visual access. Scale, design, location, and structure type should be considered. Enhanced landscaping along Hudson Shores Park can present an opportunity for improved scenic views of the river.
- Provide compensatory mitigation for loss of visual access where structures developed along the shoreline block visual access from inland public vantage points. Comparable physical access should be made either at the site or at nearby locations.
- Visual access to the coast should be increased whenever practical by providing interpretative exhibits at appropriate locations on both the upland and along the shoreline to enhance public understanding and enjoyment of the Hudson River and the City's historic waterfront.

9.3 Preserve public interest in and use of lands and waters held in public trust by the state and other government levels.

- Limit grants, leases, easements, permits or lesser interest in lands underwater in accordance with an assessment of potential adverse impacts of the proposed use, structure, or facility on public interest in public lands under water.
- An assessment of environmental impacts should be conducted to assess potential adverse impact and should consider the following: impact on natural resource management, public access and recreation, and commerce; size, character, and effect of the transfer in relation to neighboring uses; potential for interference with navigation, public uses of waterway, and riparian rights; economic impact on existing commercial enterprises; and consistency with the public interest.
- Limit the conveyance of public trust lands to the minimum necessary by using legal instruments that least abrogates public interest and by limiting the physical land area conveyed to the minimum necessary. Grants in fee of underwater lands should be limited to exceptional circumstances. The impact of individual conveyances of grants, easements, and leases of public trust lands should be assessed cumulatively to protect against substantial loss of public interest in public trust lands. Resume and re-establish public trust interests in existing grants which are no longer being exercised according to terms of the grant, or where the use is not in conformity with the public trust doctrine.
- Retain a public interest in the transfer of interest in underwater lands, which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.
- Private uses, structures, or facilities on underwater lands are limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.

9.4 Assure public access along public trust lands above the line of mean low water.

- Provide free and substantially unobstructed passage along public trust shorelands. Interference with passage along the shoreline is limited to the minimum extent necessary to gain access from the upland to the water. Provide passage around interferences on public trust lands through adjacent upland easements or other mitigation where public access is substantially impeded. Require that all publicly owned land allow for perpendicular access to trust lands whenever compatible with the principal use of the public land.
- Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.
- Provide for free and unobstructed public use of all navigable waters below the line of mean high water for navigation, recreation, and other public trust purposes, including the incidental rights of public anchoring.
- Allow obstruction of public use, including navigation, in navigable waters: for water-dependent uses involving navigation and commerce which require structures or activities in water as part of the use; for commercial recreational boating facilities and/or water-enhanced uses, provided that the loss of navigable waters or use of underwater lands is offset by sufficient public benefits; and in order to gain reasonable access to navigable waters from riparian lands.
- Obstruction of navigable waters and underwater lands is limited to the extent that it interferes with commercial navigation. The right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed.
- Obstruction of navigable waters and underwater lands is limited to the minimum necessary for access to navigable waters. The minimum is determined by evaluating: the extent of the use's dependence on access to navigable waters; the range of tidal water level fluctuation; the size and nature of the body of water; the nature of public use of the adjacent waters; the traditional means of access used by surrounding similar uses; and whether or not alternative means to gain access are available.

- Obstruction of navigable waters and underwater lands is limited by extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent or water-enhanced use.
- Obstruction of navigable waters and underwater lands is limited by potential adverse effects on natural resources and their uses, and by potential adverse effects on public safety.
- Structures extending beyond the minimum necessary for access to navigable waters impair public trust interests and open space values associated with the water's surface. Allow such structures only in the following circumstances:
 - when necessary for practical and convenient operation of water-dependent industry or commerce, and provided that obstruction of commercial navigation does not result.
 - for commercial recreational boating facilities and/or water-enhanced uses provided that: (1) the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and (2) obstruction of commercial navigation does not result.
 - when the principal purpose of the structure is necessary: (1) to provide public access for water-based or water-enhanced recreational uses; (2) for improvements for navigation; (3) for protection from coastal hazards, or (4) for essential public transportation and transmission facilities.

9.5 Provide access and recreation, which is compatible with natural resource values.

- Provide appropriate access and associated recreational activity that will avoid potential adverse impacts on natural resources. To evaluate the potential for adverse environmental effects, the following should be evaluated: intensity of the associated recreational, scientific, or educational activity; sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area; and level of disturbance

associated with the proposed activity. The following types of access or associated activities are listed in decreasing order of potential for disturbance: (1) motorized activities; (2) active, non-motorized activities, including water-dependent and water-related uses; (3) passive activities; and (4) avoidance of the area.

- Provide educational, interpretive, research, and passive uses of natural resources through appropriate design and control of public access and recreation.
- Provide public access for fish and wildlife resource related activities, including fishing and hunting, provided that the level of access would not result in a loss of resources necessary to continue supporting these uses.

Policy 10

Protect water-dependent uses; promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

Water-dependent uses

Water-dependent uses should be promoted where appropriate and given precedent over other types of development at suitable waterfront sites. Existing water dependent uses should be protected.

Water-dependent uses are activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity.

Development which is not dependent on a waterfront location or which cannot make beneficial use of a waterfront location should be avoided.

Policy Standards

Water-enhanced uses

Water-enhanced uses may be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their coastal location.

Water enhanced uses are activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

Locating a floating restaurant at Hudson Shores Park is an opportunity to develop a water-enhanced use along the shoreline that has broad appeal. Providing casual waterside dining allows non-boaters to have an opportunity for enjoyment of the Hudson River.

10.1 Protect existing water-dependent recreational uses.

Actions that would adversely impact or interfere with existing water-dependent uses should be avoided. Existing water-dependent uses in Watervliet include recreational fishing opportunities at the City's two waterfront parks, Hudson Shores Park and the Mohawk Hudson Bike Hike Trail. Public access to the City's shoreline and the water quality of the Hudson River should be maintained so that the shoreline can continue to be used for recreational fishing purposes.

10.2 Promote the development of appropriately sited new water-dependent recreational uses along the City's public-owned shoreline and provide for their safe operation.

This policy recommends that water-dependent uses be located within urban or developed areas that contain concentrations of water-dependent commercial, industrial, or recreational uses and essential support facilities. Exceptions may be allowed when there is a demonstrated demand for the water-dependent use coupled with a lack of suitable sites, and the proposed use is small in nature, will provide water access, and is consistent with the character of the area.

Adverse impacts resulting from new and expanding water-dependent uses should be minimized.

Located on the western shore of the Hudson River north of Albany, the City of Watervliet is more than 98% developed. Due

the area's flood zone status, lack of privately owned, developable land, and relative inaccessibility caused by I-787, the City's shoreline is not a desirable location for the development of water-dependent commercial or marine uses.

Any new water dependent or water-enhanced activities along Watervliet's shoreline shall be done in a manner that allows for the continuing safe use of that Hudson River for water passage. No structures will be permitted to intrude on or interfere with the Federal Navigation channel.

Water-dependent uses should be sited in locations where:

- the need for dredging is minimized.
- waterside and landside access, as well as upland space for parking and other facilities, is adequate.
- the necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures; roads, water supply and sewage disposal facilities, and vessel waste pump-out and waste disposal facilities.
- water quality classifications are compatible.

Ensure that new or expanding marinas:

- incorporate marine services and boat repair, as feasible, to meet a range of boating needs.
- do not displace or impair the operation of water-dependent transportation, industry, or commerce.
- do not encroach upon navigation channels or channel buffer areas.
- incorporate public access to the shore through provisions, such as including access from the upland, boat ramps, and transient boat mooring.
- limit discharge of sewage by providing pump out facilities unless the State's Clean Vessel Act plan indicates that adequate pumpout facilities exist.

- avoid or minimize adverse impacts on natural resources and existing neighborhoods and communities.

10.3 Improve the economic viability of water-dependent uses.

Many water-dependent uses often contain and are supported by non-water-dependent uses that are complementary and supportive to the water-dependent use and do not impair the ability of water-dependent uses to function. These non-water-dependent uses often mix compatibly with water-dependent uses, provide beneficial support, and positively affect the working waterfront character.

Non-water-dependent accessory or mixed-use developments may be allowed, provided:

- accessory uses are subordinate and functionally related to the principal water-dependent use and contribute to sustaining the water-dependent use.
- mixed uses subsidize the water-dependent use and are accompanied by a demonstrable commitment to continue operation of the water-dependent use.
- uses are sited and operated so as not to interfere with the principal operation of the site for a water-dependent use, and
- uses do not preclude future expansion of a water-dependent use.
- Locations that exhibit important natural resource values, such as significant resources, such as wetlands and fish and wildlife habitats, should be avoided.
- Other uses may be incorporated in the waterfront, particularly water enhanced and marine support services, provided that these uses:
 - do not interfere with the efficient operation of another water-dependent use.
 - make beneficial use of a coastal location through siting and design to increase public enjoyment of the waterfront.

Develop uses at the park that will better meet the recreational needs of City residents, while also drawing more non-residents to the City's waterfront. These uses include a playground, improved water access, improved amenities, farmers markets, an amphitheater for shows, and a floating restaurant. Promote development of tourism-related uses on its waterfront upland, on the west side of Broadway. These uses would include restaurants, outdoor cafes, antique shops, and retail shops.

10.4 Allow water-enhanced uses which complement or improve the viability of water-dependent uses.

If there is no immediate demand for a water-dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered preferable to a non-water dependent or enhanced use, which involves an irreversible or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would likely be considered as "temporary" non-water dependent uses.

In addition to water-dependent uses, it may be appropriate to encourage water-enhanced uses to locate along the Hudson River in the City of Watervliet. Water-enhanced uses, while they do not need a waterfront location, their placement on the waterfront could add to the public's use and enjoyment of the area. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

Water-enhanced uses that have broad appeal, such as a floating barge restaurant at Hudson Shores Park, will be encouraged. Locating the restaurant on a temporary riverside structure preserves the landside of Hudson Shores Park for recreational uses, both water-dependent uses such as fishing, as well as water-enhanced recreational uses, such as passive recreation and playgrounds.

Water-enhanced uses should be compatible with water-dependent uses, should provide beneficial support, and should be a positive impact on the waterfront area and on the City's Central Business District and adjacent commercial areas.

When determining if a water-enhanced use is appropriate for siting along the City of Watervliet's shoreline, or over the water, the following factors will be considered:

- The use would not preclude future expansion of a water-dependent use.
- The use would be sited and operated so as not to interfere with water-dependent uses.
- The activity makes beneficial use of a shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character.

The development of a dining establishment on the water, through the use of a barge, would allow for enhanced seasonal use of the waterfront and encourage increased visitation to the site. Developing such a restaurant facility with wet slips would support recreational boating along the Hudson River. As there are currently no commercial water-dependent uses in existence along the City's shore, such a water-enhanced use would not preclude future expansion of a water-dependent use. A barge restaurant along Watervliet's shore would have to be placed in such a manner so that it does not interfere with the public's existing access to fish along the shore.

A barge restaurant would be required to make beneficial use of its shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character. Landscaping for enhanced views of the Hudson River would have to be maintained. Mooring of the barge would be done in a manner consistent with any environmental requirements identified by any state or federal review agencies. Development would follow prescribed timing restrictions and use of silt curtains to mitigate against turbidity. Such a use would also be subject to Site Plan Review and required to connect to the City's public sewer infrastructure.

The development of water-enhanced uses will meet the following requirements:

- The need for dredging is minimized.
- Waterside and landside access, as well as upland space for parking and other facilities, is adequate.
- The necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply and sewage disposal facilities.

- Water quality classifications are compatible.

10.5 Promote the efficient management of surface waters and underwater lands.

Lack of effective water use management contributes to congestion and competition for space within harbors, surface waters, and underwater lands. As a result, natural resources can be degraded and communities are not able to take advantage of tourism and economic growth opportunities.

To promote effective water use management, traditional land use planning techniques can be applied to the water surface in the following manner:

- If warranted, various water use zones and vessel speed zones should be established for uses such as docks, moorings, navigation channels, turning basins, and any special recreational areas (bathing, water skiing, personal water craft, etc.).
- Wet slip docks, in-water structures, and surface water uses should not encroach upon navigation channels.
- Permanent non-water dependent structures and/or uses should not be allowed on or over surface waters.
- The establishment of future water use zones and the siting of in-water structures should be done in a manner, which minimizes potential impacts on sensitive resources such as wetlands and fish and wildlife habitats.

Policy 11

Promote sustainable use of living marine resources in coastal waters.

Living marine resources play an important role in the social and economic well being of coastal communities. Commercial and recreational uses of living marine resources constitute an important contribution to the economy of the state. The continued use of living resources depends on maintaining long-term health and abundance of fisheries resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations.

Policy Standards

Ensuring the sustainability of the state's fisheries resources requires the state's active management of fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster occurrence and abundance of these resources. Allocation and use of the available resources must: (1) be consistent with the restoration and maintenance of healthy stocks and habitats, and (2) maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.

The City of Watervliet does not have any commercial fisheries located within its boundaries. Use of living marine resources would be limited to recreational fishing at the City's two waterfront parks, the Hudson Shores Park and the Fourth Street Mohawk Hudson Bike Hike Trail head.

11.1 Ensure the long-term maintenance and health of living marine resources.

Recreational activities using living marine resources, such as fishing, should be managed in a manner that seeks to maintain the long-term health, abundance, and diversity of the area's fish population. Such recreational resources should not interfere with population and habitat maintenance and restoration efforts; should use best available scientific information in managing the resources; and should minimize waste. Furthermore, the occurrence and abundance of marine resources should be fostered through the protection, enhancement and restoration of habitats and water quality.

- Ensure that commercial and recreational use of living marine resources is managed in a manner that:
 - places primary importance on maintaining the long-term health and abundance of fisheries.
 - results in sustained useable abundance and diversity of the resource.
 - does not interfere with population and habitat maintenance and restoration efforts.
 - uses best available scientific information in managing the resources.

- minimizes waste and reduces discard mortality of fishery resources.
- Ensure that the management of the state's transboundary and migratory species is consistent with interstate, state-federal, and interjurisdictional management plans.
- Protect and manage native stocks and restore sustainable populations of indigenous fish and wildlife species and other marine living resources.

Protection of native stocks includes protecting the genetic integrity of recognizable native populations, which can be placed at risk by inappropriate stocking. Native stocks also need to be protected from adverse impacts due to introduction of nonindigenous species.

- Foster occurrence and abundance of marine resources through:
 - protection of spawning grounds, habitats, and water quality.
 - enhancement and restoration of fish and shellfish habitat.

11.2 Provide for and promote the recreational use of coastal fisheries.

To better promote use of marine resources along the publicly owned Hudson Shores Park shoreline, and provide both a valuable recreational resource experience and support the viability of fishing-related businesses in the area, the City proposes improvements to Hudson Shores Park to make it a more attractive and safer park. Improvements include additional benches, a playground, landscaping improvements, and the development of a restaurant.

To protect the public health and marketability of resources from contamination, the public should be advised of the health risks associated with consuming seafood contaminated with toxics. All appropriate measures to maintain water quality, and the wholesomeness of fish resources, should be taken.

- Maximize the benefits of resources to provide:

- valuable recreational resource experience.
- viable business opportunities for commercial and recreational fisheries.
- Protect public health and marketability of resources from contamination.
 - Advise the public regarding health risks of consuming seafood contaminated with toxics.
 - Restrict harvest of fish when they are contaminated with toxics exceeding established public health thresholds.
 - Maintain water quality and wholesomeness of fishery and marketable marine resources to protect public health.
 - Foster direct public recreational use of marine resources along shorelines, bays, and surface waters.

Policy 12

Protect existing agricultural lands in the coastal area.

This policy is not applicable to the City of Watervliet because the City contains no farmland.

Policy 13

Promote appropriate use and development of energy and mineral resources.

This policy calls for the conservation of energy resources in the City of Watervliet and addresses alternative energy resources. It provides standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, presents standards to minimize the impact of large fuel storage facilities, and sets standards for land excavation and dredging.

Policy Standards

13.1 Conserve energy resources as an important part of prudent future planning.

Energy efficiency can be achieved through promoting energy efficient modes of transportation. This would include promoting and maintaining a variety of transportation facilities, including

those for rail freight and waterborne cargo and passenger transportation. It would also include integrating access to mass transit facilities and, where feasible, provide secure bicycle parking and safe bicycle lanes in new development projects.

Requiring new developments be planned and constructed taking into consideration a number of energy efficient design measures, such as solar utilization, protection from wind, and landscaping for thermal control, can enhance energy efficiency. Greater energy efficiency can be identified as a goal when existing facilities are being upgraded.

13.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.

Avoid interference with coastal resources and processes, including interference with migratory birds from wind farm developments.

There are no existing hydroelectric power generation facilities in the coastal area. There are no sites in the coastal area where the benefits of developing hydroelectric generating facilities are not outweighed by the economic costs and the potential adverse impacts on natural resources.

13.3 Consider energy use and environmental impacts in the siting of major energy generating facilities.

Energy generating facilities may be sited in the City of Watervliet when a clear public benefit has been established and there is a demonstrated need for the facility, e.g. other alternatives including upgrades of existing facilities and alternative available methods/sources of energy cannot reasonably meet the public need.

Such a facility must satisfy additional electric capacity needs or electric system needs and must incorporate feasible public recreational uses. Siting major energy generating facilities close to load centers may maximize transmission efficiency.

New energy generating and transmission facilities should not be sited so as to adversely impact commercial or recreational navigation, commercial and recreational fishing, wetlands, and important habitats, and historic and scenic resources.

13.4 Minimize adverse impacts from fuel storage facilities.

Ensure that production, storage, and retention of petroleum products in Watervliet complies with DEC regulations;

13.5 Ensure that mining, excavation, and dredging do not cause an increase in erosion, an adverse effect on natural resources, or degradation of visual resources.

This Standard regulates land excavation and dredging activities in the City. Due to the disruptive nature of these activities, caution must be exercised to ensure these activities do not adversely affect natural resources or disturb the human environment. Any project calling for the removal of soils and/or overburden requires the development of a plan that addresses both site preparation and site reclamation. Such a plan must address drainage and erosion control, pollution prevention, slope, vegetation, materials disposal, and future land use of the affected land.