

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

DEVELOPMENT POLICIES

- POLICY 1** **RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.**
- POLICY 1A** **RESTORE, REVITALIZE AND REDEVELOP DOWNTOWN ALBANY AS THE CITY'S CENTRAL BUSINESS DISTRICT.**
- POLICY 1B** **REVITALIZE THE SOUTH END AS A RESIDENTIAL AND BUSINESS COMMUNITY WITH EXPANDED RECREATIONAL OPPORTUNITIES.**
- POLICY 1C** **REVITALIZE THE PORT OF ALBANY AS AN INDUSTRIAL CENTER.**

Explanation of Policy

Revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to deteriorated areas. This policy is intended to ensure that the directly undertaken, funding and permitting actions of local, State and Federal agencies further the revitalization of deteriorated portions of Albany's waterfront.

Downtown Albany is currently experiencing a strong cycle of revitalization with much renovation and new construction activity. Many underutilized or vacant parcels or buildings exist within this sub-area which are still available for commercial, cultural or residential reuse. In addition, this sub-area contains the Corning Preserve, which has been identified as a major area of underutilized recreation space.

Any actions directly undertaken, funded or approved by various governmental entities should be consistent with the range of projects and uses outlined within the land use plan for this sub-area. (See Section IV - Proposed Land and Water Uses and Proposed Projects.)

The portion of the waterfront within the South End Sub-area contains areas with direct waterfront access cited for their reuse potential as residential areas and a park area.

Actions subject to approval by various government entities should be considered for consistency with these land use proposals prior to final approval.

The Port Sub-area contains a considerable amount of underutilized areas for increased industrial, fabricating or warehousing facilities for water-related uses. Reuse or improved use of currently vacant or underutilized sites should give priority to water-dependent Port uses and discourage or prohibit the location of non-water dependent uses.

The following guidelines shall be used to determine the consistency of any proposed action with this policy:

1. When an action is proposed to take place in a waterfront area regarded as suitable for development:
 - a) Priority should be given to uses which are enhanced or dependent upon a location adjacent to the water and which complement the Corning Preserve for that portion of the waterfront east of I-787.
 - b) The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development.
 - c) The action should serve as a catalyst to private investment in the area.
 - d) The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline.
 - e) The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.
 - f) The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand.
 - g) The action should improve adjacent and upland views of the water and shoreline, and, at a minimum, must not affect these views in an insensitive manner.
 - h) The action should have the potential to improve the possibilities for multiple use on the site.

- i) The action shall be in compliance with all applicable land use controls in effect within the waterfront boundary.
2. If an action is proposed to take place outside of a given deteriorated, underutilized waterfront area suitable for redevelopment and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to undertake the action within the deteriorated, underutilized waterfront area in question. If such an action is feasible, the agency should give strong consideration to undertaking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

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

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis the only reasonable expectation is that long-term demand for waterfront space will intensify. Such a demand within Albany's waterfront presently exists for water-related recreation within the Corning Preserve, as well as for the facilitation of water-dependent industries within the Port of Albany.

The traditional method of land allocation, i.e., the real estate market, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. These "water-dependent" uses, however, contribute significantly to the long-term economic vitality and public enjoyment of the coastal area. To ensure that such "water-dependent" uses can continue to be accommodated within the State, this policy provides that local, State and Federal agencies should avoid undertaking, funding, or approving non-water-dependent uses when such uses would pre-empt the reasonably foreseeable development of water-dependent uses; and should utilize appropriate programs to encourage water-dependent activities. (For a discussion of existing water-dependent uses, refer to Section II -Inventory and Analysis, Part C. - Water-dependent Uses.)

The following uses and facilities are considered as water-dependent:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);

3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities)
4. Structures needed for navigational purposes (for example: dams, beacons, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants);
8. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries);
9. Uses which operate under such severe time constraints that proximity to shipping facilities become critical (for example: firms processing perishable foods);
10. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities);
11. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent use they should as much as possible, be sited inland from the dependent use rather than on the shore.

All existing water-dependent uses within the waterfront boundary will be reinforced. The specific sites which are available for water-dependent uses are covered in Section IV. Each of the sub-areas within the waterfront has been assessed for the potential of water-related uses and specific projects for each have been proposed. Specific actions should be consistent with these proposals and the land use controls which will be established according to Section V - Techniques for Local Implementation of the Program.

POLICY 3 FURTHER DEVELOP THE STATE'S MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE

**PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT
WHICH IS ESSENTIAL TO OR IN SUPPORT OF THE
WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.**

**POLICY 3A FURTHER DEVELOP THE PORT OF ALBANY AS A CENTER OF
COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING
OF DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT
OF THE WATERBORNE TRANSPORTATION OF CARGO AND
PEOPLE.**

Explanation of Policy

The Port of Albany is designated as one of five major ports in New York State. As such, it is a vital component of not only the City's, but the State's economic well being. The aim of this policy is to support Port development and activities in the Port of Albany.

Currently, the Port of Albany is underutilized for water-dependent activities. Many of the Port's prime tenants, some of which occupy river frontage, are in no way water-related. Non-water-dependent uses should be assessed for potential relocation when their leases expire and their vacated sites be made available to water-dependent uses.

Consequently, the Port will pursue a policy of giving siting preference to water-dependent businesses when a site becomes available. However, lease agreements with existing non-water-dependent tenants should only be terminated if the demand for their space by water-dependent businesses is such that replacement tenants exist and the Port will not suffer economically from such actions. Furthermore, the Port Commission may site new facilities to improve Port use or lease income if no demand for water-dependent uses exists.

Three other development policies, discussed in this Section, also have significant implications for Port development, namely: Revitalization of deteriorated waterfronts (Policy 1); water-dependency (Policy 2); concentration of development (Policy 5); and the expediting of permit reviews (Policy 6). In implementing this policy, State, Federal and local agencies will recognize that jurisdiction of this policy extends over the Port Commission facilities, as well as any future expansions or improvements to such facilities. If an action is proposed for a site within or abutting the Port, or if there is a reasonable expectation that a proposed action elsewhere would have an impact on the Port, then the following guidelines shall be used in determining consistency.

1. In assessing proposed projects within or abutting a major port, given that all other applicable policies are adhered to, the overriding consideration is the maintenance and enhancement of port activity, i.e., development related to waterborne transportation, which will have precedence over other, non-port related activities.

2. Dredging to maintain the economic viability of major ports will be regarded as an action of regional or statewide public benefit, if a clear need is shown for maintaining or improving the established alignment, width, and depth of existing channels or for new channels essential to port activity, and it can be demonstrated that environmental impacts would be acceptable according to State regulations governing the activity.
3. Landfill projects in the near-shore areas will be regarded as an acceptable activity within the Port of Albany, provided adverse environmental impacts are acceptable under all applicable environmental regulations and a strong economic justification is demonstrated.
4. If non-port related activities are proposed to be located in or near to a major port, these uses shall be sited so as not to interfere with normal port operations.
5. When not already restricted by existing laws or covenants, and when there is no other overriding regional or statewide public benefit for doing otherwise, surplus public land or facilities within or adjacent to a major port shall be offered for sale, in the first instance, to the appropriate port authority.
6. In the programming of capital projects for port areas, highest priority will be given to projects that promote the development and use of the port. However, in determining such priorities, consideration must also be given to non-port related interests within or near the ports that have demonstrated critical capital programming needs.
7. No buildings, piers, wharves, or vessels shall be abandoned or otherwise left unused by a public agency or sold without making provisions for their maintenance in sound condition or for their demolition or removal.
8. Port development shall provide opportunities for public access insofar as these opportunities do not interfere with the day-to-day operations of the Port.

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

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

Explanation of Policy

The City of Albany is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development, as specified in Section IV.

For any action that would result in large scale development or an action which would facilitate or serve future development, determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination.

1. A location in the coastal area may be suitable for development, if three or more of the following conditions prevail:
 - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
 - b. Fewer than 50% of the buildable sites within a one-mile radius of the proposed site are vacant (i.e., sites meeting lot area requirements under existing local zoning regulations);
 - c. The proposed site is served by or is near to public or private sewer and water lines;
 - d. Public transportation service is available within one mile of the proposed site; and
 - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.
2. The following shall be considered in assessing the adequacy of an area's infrastructure and public services:
 - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
 - b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
 - c. Sewage disposal system can accommodate the wastes generated by the development;

- d. Energy needs of the proposed land development can be accommodated by existing utility systems;
- e. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
- f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

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

Explanation of Policy

For specific types of development activities and in areas suitable for such development, local, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each board's and 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 regulation's objectives.

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 PRACTICABLE, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- o are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas);
- o support populations of rare and endangered species;
- o are found at a very low frequency within a coastal region;
- o support fish and wildlife populations having significant commercial and/or recreational value; and
- o would be difficult or impossible to replace.

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

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

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

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or
- significantly impair the visibility of a habitat.

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

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or 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 focus on ecological alterations and may

include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

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

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

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

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

POLICY 7A THE NORMANS KILL HABITAT SHALL BE PROTECTED, PRESERVED AND, IF PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

The Normans Kill Habitat is an approximately two mile segment of this tributary to the Hudson River extending from its mouth on the Hudson to a falls located just downstream from the New York State Thruway bridge. The Normans Kill is a relatively large, medium gradient, perennial warm water stream with a drainage area of over 170 square miles. The downstream portion of this stream, including the habitat area, serves as the municipal boundary between the City of Albany and the Town of Bethlehem.

The Normans Kill is an important spawning area for alewife, blueback herring, and white perch and is one of only ten significant spawning streams for these anadromous fishes in the upper Hudson River. As a result of the abundant fish resources of this stream, it is popular during the summer months. Fishing pressure is concentrated on the lower section of the stream near road crossings.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in the Normans Kill could adversely affect the fisheries resources of this area. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in adverse impacts on fish populations. Of particular concern are the potential effects of upstream disturbances, including water withdrawal, impoundments, stream bed disturbances, and effluent discharges.

Barriers to fish migration, whether physical or chemical, would have significant impact on fish populations in this creek, as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods. Existing woodlands bordering the Normans Kill and its tributaries should be maintained to provide bank cover, soil stabilization and buffer areas. Development of public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fisheries resources are available.

The City of Albany has adopted design guidelines to ensure that new development in the vicinity of the Normans Kill will be designed with stormwater retention features that will reduce the negative impacts associated with stormwater runoff to the greatest extent practical. Retention ponds, seepage pits and other methods will be used to control runoff and reduce turbidity and pollutant loading.

The Normans Kill begins in the Town of Guiderland as an outflow of the City of Watervliet Reservoir. Portions of this stream are bounded by the Towns of Guiderland and Bethlehem. City officials have discussed with the Albany County Environmental Management Council the possibility of preparing a stream corridor management plan. City officials will continue to pursue this concept cooperatively with other involved municipalities in order to protect water quality within the full length of the Normans Kill. Refer to Appendix D for detailed information on the Normans Kill Habitat.

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.

Explanation of Policy

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, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6NYCRR Part 371).

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

Other pollutants refer to conventional wastes generated from point and non-point sources and not identified as hazardous wastes, but controlled through other State regulations.

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.

Explanation of Policy

As previously discussed in Section II - Inventory and Analysis, Part F. - "Public Access and Recreation" and Part U - "Fish and Wildlife Habitats", recreational uses of fish resources include non-commercial sport fishing. With respect to wildlife resources, non-consumptive uses, such as bird watching are acceptable.

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

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

1. Consideration should be made as to whether an action will impede existing or future utilization of the City's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (See Policy 7) and/or conferring with a trained fish and wildlife biologist.

POLICY 10 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF COMMERCIAL FISHING IS NOT APPLICABLE TO ALBANY.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 THE STATE COASTAL POLICY REGARDING THE SITING OF DEVELOPMENT IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY CAUSED BY FLOODING AND EROSION IS NOT APPLICABLE TO ALBANY.

POLICY 12 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO ALBANY.

POLICY 13 THE STATE COASTAL POLICY REGARDING THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE TO ALBANY, ALTHOUGH A LOCAL POLICY IS ESTABLISHED.

POLICY 13A THE REPAIR AND MAINTENANCE OF WHARVES AND DOCKS WITHIN THE PORT SHOULD BE PLANNED TO INSURE THAT FUTURE DESTABILIZATION OF THESE FACILITIES WILL NOT OCCUR.

Explanation of Policy

A lack of ongoing maintenance in the past has led to the collapse and destabilizing of some sections of wharf along the Port's shoreline. An ongoing maintenance plan is needed for those sections of wharf which are not beyond repair. Other sections of wharf, due to their deteriorated condition and the effects of erosion, should be rebuilt as part of a capital improvement program for the Port of Albany.

A Port of Albany Plan was prepared for the Port in conjunction with the NYS Department of Transportation. This plan recognizes this problem and recommends long-range improvements.

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

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: (1) the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; (2) the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and (3) the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

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

Explanation of Policy

Coastal processes, including the movement of beach materials or shoreline sediment by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining for sand and gravel deposits is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

Those lands under the Hudson River, owned by the State of New York and within the City of Albany shall be subject to this policy. (See Section II - Inventory and Analysis, Part D. - "Publicly-Owned Lands" for a review of the ownership of the lands submerged under the Hudson River and Normans Kill.)

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

Explanation of Policy

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

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (1) THE SET BACK OF BUILDINGS AND STRUCTURES; (2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE SYSTEMS; (3) THE RESHAPING OF BLUFFS; AND (4) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

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 this 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.

Within identified Flood Hazard Areas, the following guidelines shall apply: (a) the avoidance of damage from flooding by the siting of buildings outside the hazard area; (b) the flood-proofing of buildings by their elevation above the base flood level; and (c) new construction and substantial improvements of any residential structures shall have the lowest floor, including basement, elevated to or above base flood level.

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.

Explanation of Policy

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

PUBLIC ACCESS POLICIES

- POLICY 19** **PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**
- POLICY 19A** **PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO THE CORNING PRESERVE.**
- POLICY 19B** **PROTECT, MAINTAIN, AND INCREASE THE LEVEL OF ACCESS TO THE PUBLIC BOAT LAUNCH LOCATED AT THE SOUTHERN TIP OF LOWER PATROON ISLAND.**

Explanation of Policy

The Corning Preserve is the key publicly-owned, waterfront recreation resource within the City. The Preserve suffers from poor access, and improvements in this respect are a major concern for the City. Access is to be increased, primarily, through the provision of pedestrian and vehicular over- and under-passes spanning I-787.

Maintaining and improving access to the public boat launch area just north of the Preserve is another major concern. Although access is adequate at this point in time, any proposed transportation improvements or changes to the local street network in this vicinity should be considered in regard to boat launch access.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related resources and facilities shall not be reduced. The possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities shall not be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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

- a) Access - the ability and right of the public to reach and use public coastal lands and waters.
- b) Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or are enhanced by a waterfront location.
- c) Public lands or facilities - lands or facilities held by State or City 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 system-wide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e) An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:

- (1) Construction of public facilities, which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The City, State or Federal governments will not undertake or fund any projects which increase access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
5. All local, State and Federal policies, programs and actions which affect I-787 as it parallels the waterfront should be designed, wherever practical, to reduce the physical presence of the arterial as an access barrier. Long-term considerations could include pedestrian access over or under the arterials and physical alterations which would reduce the physical scale of the arterials. These long-term considerations could include:

- a) A pedestrian overpass linking the Corning Preserve in the vicinity of Union Station;
- b) Consideration of a transfer of air rights over the arterial system from the New York State Department of Transportation to the City or private development interests for the purpose of permitting development over the arterials that would include public access to the waterfront from the downtown area. Other physical modifications may be considered that would permit direct pedestrian access between the Corning Preserve and Broadway area.

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

As previously described in Section II - Inventory and Analysis, virtually all of the lands adjacent to the water's edge within Albany are publicly-owned. The Corning Preserve, a riverfront linear park and recreation facility, occupies the bulk of these lands. As described under Policy 19, improvements to the accessibility of this recreational facility are proposed.

In addition, access is to be increased through development of a floating dock adjacent to the Corning Preserve Comfort Station, which will be rehabilitated to include a light menu carry-out restaurant facility. The City will provide further access to the river's edge through a 1.4 acre parcel north of the Port for development of a passive park, as well as development of a waterfront promenade/ trail associated with residential development immediately south of the Corning Preserve and north of this proposed park.

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

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

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

- a) (See definitions under Policy 19 for "access" and "public lands or facilities").
 - b) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
 - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.
 - c) An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal waters from public lands and facilities.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
- a) A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely

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

4. The State or Federal government will not undertake or directly fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - (a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - (b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
6. While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

Refer also to Policies 19, 21, and Section IV.

RECREATION POLICIES

POLICY 21

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

SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

As described throughout Section II and Section IV, a major thrust of the strategy for the City's waterfront revitalization involves an expansion in the use of the Corning Preserve, as well as the development of additional water-dependent and water-enhanced recreational facilities.

Within the Corning Preserve, the existing comfort station building in the south end of the park will be restored as a small restaurant overlooking a floating dock and general landscaping improvements undertaken. The development of a 77 acre tract of land along Lower Patroon Island to a nature preserve to provide fishing, bird watching, hiking and other passive forms of recreation is proposed.

In addition, residential uses proposed to the south of the Corning Preserve are to incorporate a waterfront pedestrian and bicycle trail which connects the Preserve to the proposed 1.4 acre Island Creek Waterfront Park immediately north of the Port of Albany. As previously described under Policy 19, physical access improvements designed to better link the waterfront with Downtown are also proposed. (See Map Nos. 9 - 12B for the location and plans for these projects.)

Consistent with demand and protection of other important coastal resources, water-related (dependent and enhanced) recreation uses shall have a higher priority than any non-water-related uses, including non-water-related recreation uses in areas designated as open space or recreation. Determining a priority among water-dependent uses will require a case-by-case analysis. (See Policy 2 for definitions and additional provisions concerning water-dependent uses.)

Any development of water-related recreational facilities or increase in recreational use must be consistent with the preservation and enhancement of other important coastal resources, such as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, and significant mineral and fossil deposits and their capacity to accommodate anticipated use. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities.

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.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

- parks
- highways
- utility transmission rights-of-way
- sewage treatment facilities
- nature preserves
- large residential subdivisions (50 units)
- shopping centers
- office buildings

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, to determine appropriate recreation uses. The agency should provide OPRHP and the City with the opportunity to participate in project planning.

Appropriate recreational uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor, provided the costs do not exceed 2% of total project cost.

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

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

It should be noted that where non-recreational projects are proposed within this program, recreation is incorporated into these proposals (except in the Port area). The river side of the Patroon Island sub-area is being maintained for passive recreation, while somewhat more intense recreational improvements are proposed for the Corning Preserve. Residential development

along the foreshore of the South End Sub-area will be required to maintain public access along the foreshore for passive use such as strolling or biking.

The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.

HISTORIC AND SCENIC RESOURCES POLICIES

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

Explanation of Policy

This policy shall apply to those districts and individual structures listed, or eligible for listing, on the National Register of Historic Places, as well as the zones of archeological sensitivity, within Albany's waterfront area. Historic districts located either wholly or partially within the waterfront area include: the Downtown Albany District, Broadway/North Pearl Street District (N.R. eligible), South End/ Groesbeckville District, and the Pastures District. Structures listed individually on the National Register include: Quackenbush Waterworks complex, Quackenbush House, Union Station, First Trust Company Building, Old Post Office, and the D&H Building. Historic resources are described more fully in Part G. of Section II.

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies. 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 WRA, it will actively promote the preservation of historic and cultural resources which have a coastal relationship. 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 archaeological 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 archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building structure of earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological 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 archaeological 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, earthworks, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

The City of Albany is currently revising its local land use controls to improve the protection of historic resources within the WRA, Urban Cultural Park and all districts or sites listed on the National Register of Historic Places.

In addition, it is proposed that a certain area, comprising portions of the WRA, is to be designated as a specific area of archeological concern due to the significance of archeological sites within the WRA boundary. The boundaries for this area have been established in

consultation with professional archaeologists from the NYS Office of Parks, Recreation and Historic Preservation.

The City of Albany Historic Resources Commission has jurisdiction over renovation, new construction and demolition within designated historic districts. Other areas outside of these boundaries but within the Albany Urban Cultural Park or WRA fall under the jurisdiction of the Albany Planning Board and its site plan review process for new construction or conversions.

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

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

Explanation of Policy

The scenic quality within the South End Sub-area suffers from underutilized vacant land and warehousing with a backdrop of elevated arterial ramps, as well as overgrown vegetation. In this area, enhanced vegetation along the shoreline would help to buffer these stark images from the River, until such time that redevelopment of this area is initiated. At that point, more pleasant new or refurbished structures would be present and these structures would serve residential and mixed uses requiring shoreline access to the public. Until such redevelopment takes place there is no legitimate public use of this area where obscured views is an issue except at the lower end where a park is proposed.

The view, both to and from the River along the Corning Preserve would be greatly enhanced by renovation of the existing comfort station building, which is a sadly deteriorated remnant of this once active waterfront docking area.

Enhanced vegetation along the shoreline in the Patroon Island Sub-area would promote wildlife habitat development and passive recreation in this sub-area without diminishing the view of the City skyline from the River or the view of the River from I-787, which is elevated at this point.

Throughout the waterfront area, views both to and from the River would be enhanced by strict controls at the local and State level which prohibit billboards and excessive signs within the waterfront area. In particular, new billboards adjacent to or within the I-787 right-of-way should be prohibited while existing billboards are removed over time.

AGRICULTURAL LANDS POLICY

POLICY 26 **THE STATE COASTAL POLICY REGARDING THE CONSERVATION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO ALBANY.**

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 lower 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 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 State Coastal Management Program and this Local Waterfront Revitalization Program.

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

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydro-electric power, fish and wildlife and their habitats as will be identified in the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 **ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.**

Explanation of Policy

The State recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS) or in Lake Erie. The State has been encouraging the wise development of both.

Matters pertaining to the OCS are the responsibility of the Department of Environmental Conservation. In 1977, the Department, in cooperation with regional and local agencies, completed a study which identifies potential sites along the marine coast for on-shore OCS facilities. To date, these sites have not been developed for this purpose. The Department, also, actively participates in the OCS planning process by reviewing and voicing the State's concerns about federal OCS oil and gas lease sales and plans.

In its reviews of these proposed sales and plans, the Department considers a number of factors such as the effects upon navigational safety in the established traffic lanes leading into and from New York Harbor; the impacts upon important finfish, shellfish and wildlife populations and their spawning areas; economic and other effects upon commercial and recreational fishing activities; impacts upon public recreational resources and opportunities along the marine coast; the potential for hazards; impacts upon biological communities; and water quality.

The Department of Environmental Conservation has examined the potential impacts of Lake Erie gas drilling and is instituting reasonable guidelines so that activities can proceed without damage

to public water supplies and other valuable coastal resources. State law prohibits development of wells nearer than one-half mile from the shoreline, two miles from public water supply intakes, and one thousand feet from any other structure or installation in or on Lake Erie. Further, State law prohibits production of liquid hydrocarbons in Lake Erie, either alone, or in association with natural gas. The Department has not, however, reached a decision as to whether or not the lands under Lake Erie will be leased for gas exploration purposes.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and 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 the regional treatment system before reaching the State's waterways.

New development in the City of Albany will be required to conform to the Engineering Office requirements for stormwater discharge into the City system. These provisions require seepage pits, retention ponds or other measures to insure that runoff during or after development does not exceed the rate of runoff which existed previously.

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 OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review

process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

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

The water quality classifications for both the Hudson River and Normans Kill are consistent with the range of uses which have been proposed. However, any governmental proposals or actions intended to improve water quality in either of these water bodies should be supported in order to increase the range of potential uses which could be considered in the waterfront area.

**POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF
ALTERNATIVE SANITARY SYSTEMS IS NOT APPLICABLE TO
ALBANY.**

**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, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible.

Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

NOTE: See Policy 30 on stormwater retention requirements for new construction.

**POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS
FROM VESSELS WILL BE LIMITED SO AS TO PROTECT**

SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches, and public water supply intakes which need protection from contamination by vessel wastes. Also, specific effluent standards for marina toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

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 often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site.

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

Presently, dredging activities within Albany's waterfront area are largely confined to the Port area where dredging is necessary to maintain adequate depth within the Hudson River channel and the turning basin.

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.

See Policy 39 for explanation of hazardous materials.

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

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming and pest management principles, soil erosion control practices, and surface drainage control techniques. (See Policy 30).

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

Explanation of Policy

The Hudson River serves as the principal source of drinking water to several downstream communities, and therefore must be protected. Actions occurring in the City's waterfront area must be reviewed relative to their impacts on the water quality of the Hudson.

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, RECREATION AREAS, AND SCENIC RESOURCES.

Explanation of Policy

The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes and are 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, disposed, transported or otherwise managed." A list of hazardous wastes (NYCRR Part 366) has been adopted by DEC (6 NYCRR Part 371).

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL 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 is considered by State agencies, or, if applicable, a siting board when evaluating any applicant's request to construct a new steam electric generating facility.

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

Explanation of Policy

New York's Coastal Management Program and this Local Waterfront Revitalization Program incorporate the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clear Air Act and State laws on air quality. The

requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

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

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

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

Explanation of Policy

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

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

POLICY 44 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF TIDAL AND FRESHWATER WETLANDS IS NOT APPLICABLE TO ALBANY.