

**City of Amsterdam
Local Waterfront Revitalization Program**

Adopted:
City of Amsterdam Common Council, November 17, 1992

Approved:
NYS Secretary of State Gail S. Shaffer, February 22, 1993



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

FEB. 22 1993

Honorable Mario Villa
Mayor
City Hall
Amsterdam, NY 12010

Dear Mayor Villa:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Local Waterfront Revitalization Program (LWRP) prepared by the City of Amsterdam. The City is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront and for becoming the State's first municipality along an inland waterway to have prepared a Local Waterfront Revitalization Program.

I will notify State agencies shortly that I have approved the LWRP and will provide them with a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the LWRP.

Again, I would like to commend the City for its efforts in developing the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail S. Shaffer". The signature is fluid and cursive, with the first name "Gail" being particularly prominent.

Gail S. Shaffer

GSS:gn

CITY OF AMSTERDAM
COMMON COUNCIL MEETING
NOVEMBER 17, 1992

RESOLUTION #92/93-111

RESOLUTION ADOPTING THE CITY OF AMSTERDAM
LOCAL WATERFRONT REVITALIZATION PROGRAM

BY: ALDERMAN KIELBASA

Motion by Alderman Kielbasa

WHEREAS, the City of Amsterdam initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program was prepared with the guidance of the City's Waterfront Development Committee and accepted by the Amsterdam Common Council on June 2, 1992; and

WHEREAS, a Draft Environmental Impact Statement was prepared for the Local Waterfront Revitalization Program in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

WHEREAS, a Final Environmental Impact Statement was prepared and accepted by the Amsterdam Common Council; and

WHEREAS, the Amsterdam Common Council has reviewed the proposed State Environmental Quality Review Act (SEQRA) Findings Statement attached hereto, now, therefore, be it

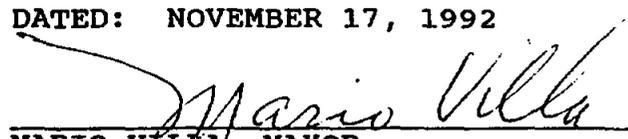
RESOLVED, that the Amsterdam Common Council hereby adopts the SEQRA Findings Statement and directs the Mayor to execute the Findings Certification thereon; and, be it

FURTHER RESOLVED, that the City of Amsterdam Local Waterfront Revitalization Program is hereby adopted and that the Mayor is authorized to submit the Local Waterfront Revitalization Program to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

ADOPTED:

APPROVED:

DATED: NOVEMBER 17, 1992


MARIO VILLA, MAYOR

COMMON COUNCIL
CITY OF AMSTERDAM, N.Y.

| | AYE | NO |
|-----------------|---------------|----|
| MAYOR VILLA | | |
| ALD ARBICE | ✓ | |
| ALD HALSAS | ✓ | |
| ALD NATOLI | <i>absent</i> | |
| ALD KIELBASA | ✓ | |
| ALD MARTUSCELLO | ✓ | |

Motion carried

ACKNOWLEDGEMENTS

Honorable Mario Villa, Mayor

Amsterdam Common Council

Vincent Arbige, 1st Ward
Raymond Halgas, 2nd Ward
Anthony Natoli, 3rd Ward
Daniel Kielbasa, 4th Ward
James Martuscello, 5th Ward

Waterfront Development Committee

Dr. Vincent Filanova, Chairman
Richard Armstrong
Robert Bellavance
Pamela Burns
Harold Johnson
Douglas Nadler
Philip Rich (deceased)
Virginia Whelly

Table of Contents

INTRODUCTION

SECTION I

| | |
|--|------------|
| WATERFRONT REVITALIZATION AREA BOUNDARY | I-3 |
|--|------------|

SECTION II

INVENTORY AND ANALYSIS

| | |
|--|--------------|
| A. REGIONAL SETTING AND COMMUNITY CHARACTERISTICS | II-3 |
| B. MOHAWK RIVER/ERIE CANAL | II-3 |
| C. EXISTING LAND USE | II-8 |
| 1. West End | II-8 |
| 2. Downtown | II-8 |
| 3. East End | II-9 |
| 4. South Side | II-10 |
| D. LAND OWNERSHIP | II-11 |
| E. PUBLIC ACCESS AND RECREATION | II-12 |
| F. INFRASTRUCTURE | II-13 |
| 1. Water Supply | II-13 |
| 2. Sewage Disposal System | II-14 |
| 3. Solid Waste Disposal | II-14 |
| 4. Transportation Systems | II-14 |
| G. HISTORIC RESOURCES | II-21 |
| H. TOPOGRAPHY AND GEOLOGY | II-22 |
| I. WATER QUALITY | II-23 |
| J. ENVIRONMENTALLY SENSITIVE FEATURES | II-24 |
| K. FISH RESOURCES | II-24 |
| L. ZONING | II-25 |
| M. SUMMARY OF KEY WATERFRONT ISSUES | II-26 |

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

| | | |
|----|-----------------------------------|------|
| A. | Proposed Land Uses | IV-3 |
| 1. | West End | IV-3 |
| 2. | Downtown | IV-3 |
| 3. | East End | IV-4 |
| 4. | South Side | IV-4 |
| B. | Proposed Water Uses | IV-5 |
| C. | Proposed Projects | IV-5 |
| 1. | Downtown Waterfront Park | IV-5 |
| 2. | Chalmers Mill Redevelopment | IV-6 |
| 3. | West End Boat Launch | IV-6 |

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

| | | |
|----|--|-----|
| A. | LOCAL LAWS NECESSARY TO IMPLEMENT THE LWRP | V-3 |
| B. | OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP | V-4 |
| C. | MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP | V-5 |
| D. | FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP | V-6 |

SECTION VI

STATE ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

| | | |
|----|--|-------|
| A. | STATE AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTANT WITH THE LWRP | VI-4 |
| B. | STATE PROGRAMS NECESSARY TO FURTHER THE LWRP | VI-19 |

SECTION VII

LOCAL COMMITMENT AND CONSULTATION

APPENDICES

Appendix A - Waterfront Consistency Law

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

LIST OF MAPS

| | |
|---|--------------|
| Map 1 Waterfront Revitalization Area Boundary | I-5 |
| Map 2 Regional Setting | II-5 |
| Map 3 Existing Land Use | II-15 |
| Map 4 Ownership of Waterfront Lands | II-17 |
| Map 5 Historic Resources and Public Access Sites | II-19 |
| Map 6 Environmentally Sensitive Features | II-27 |
| Map 7 Zoning | II-29 |
| Map 8 Proposed Land Uses | IV-7 |
| Map 9 Waterfront Projects | IV-9 |
| | |
| Table 1 - Waterfront Land Ownership | II-12 |

Introduction - Background Information on Local Waterfront Revitalization Programs

The approach to managing waterfront areas taken by New York State is significantly different from the approach used in other states. While state government can promote development and provide protection for critical resources, it is recognized that municipalities are in the best position to determine their own waterfront objectives and to adapt statewide approaches to specific local needs. Accordingly, the Department of State, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, has encouraged waterfront communities to prepare their own Local Waterfront Revitalization Programs.

A Local Waterfront Revitalization Program (LWRP) is a comprehensive program that refines legislatively established waterfront policies by incorporating local circumstances and objectives. It is a voluntary grass roots effort which brings together local and State governments, commerce and industry, environmental interests, private organizations, and community citizens to assess current opportunities and constraints and to build a consensus on the desired future of the community's waterfront. More importantly, the LWRP provides a strategy for achieving that vision.

In general, a LWRP is a detailed realistic effort to promote and protect waterfront resources. By preparing a LWRP, a community has the opportunity to evaluate its waterfront resources and to develop and implement a management program for the best use and development of those resources. Decision makers will then be able to respond with increased knowledge and purpose to future events affecting their waterfront area and to actively pursue an agreed upon program.

One of the components of such programs is the identification of long term uses along the waterfront and specific projects. These uses and projects, in conjunction with an established management program, can significantly increase a community's ability to attract development activities that will take best advantage of the unique cultural and natural characteristics of their waterfront. The LWRP also serves to enhance the conservation and protection of valuable natural resources. As such, the LWRP represents a balance between economic development and environmental protection that permits the beneficial use of waterfront resources, while preventing the loss of valuable resources and public access opportunities to the waterfront.

Once completed and approved by the New York State Secretary of State, a community has in place the local controls to guide waterfront development and -- a distinct benefit of a LWRP -- the legal ability to ensure that all State actions proposed for their waterfront only occur in the fashion prescribed in the LWRP. This "consistency" provision is a strong tool that assures that State and local governments work in unison, and not at cross purposes, to build a stronger economy and a healthier waterfront environment.

SECTION I

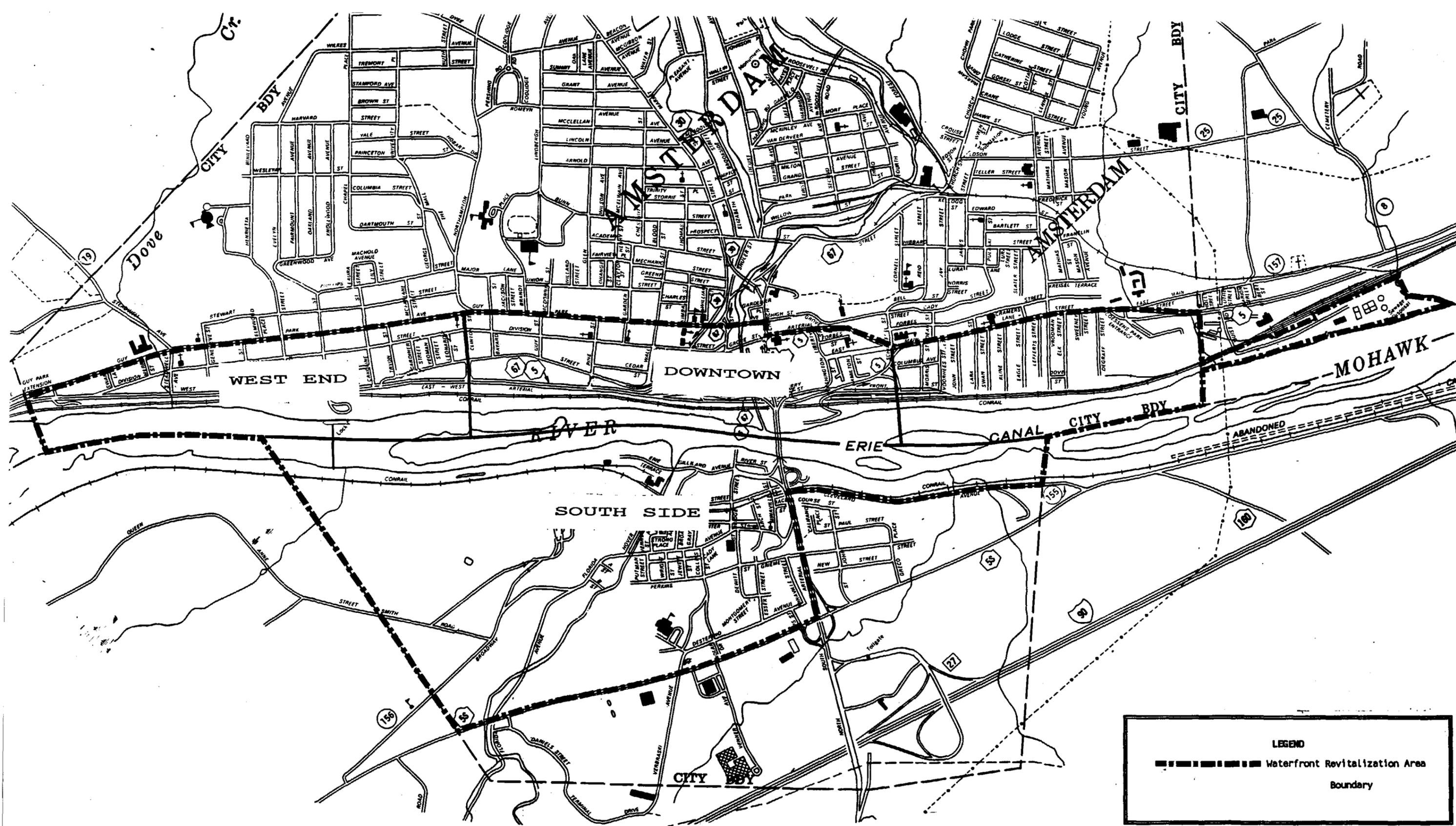
WATERFRONT REVITALIZATION AREA BOUNDARY

WATERFRONT REVITALIZATION AREA BOUNDARY

The City of Amsterdam's Waterfront Revitalization Area (WRA) includes that portion of the Mohawk River (coterminous with the New York State Erie Canal) within the City, as well as lands to the north and south of the River. The specific boundaries of the WRA are as follows:

Beginning at the intersection of Guy Park Avenue and the City boundary in the west; then east along Guy Park Avenue to its intersection with Church Street; then south along Church Street to its intersection with New York State Route 5; then east along Route 5 to the intersection with the City boundary; then south, east, south, west, and south along the City boundary to its intersection with Cleveland Avenue; then west along Cleveland Avenue to its intersection with New York State Route 30; then south along Route 30 to its intersection with New York State Route 5S; then west along Route 5S to the City boundary; then north, west, and north along the City boundary to the point of origin.

See Map 1 which graphically displays the boundaries of the WRA.



LEGEND

----- Waterfront Revitalization Area Boundary

CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 1 - Waterfront Revitalization Area Boundary

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

May 1991

Scale: 1" = 1200'

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SECTION II
INVENTORY AND ANALYSIS

A. REGIONAL SETTING AND COMMUNITY CHARACTERISTICS

The City of Amsterdam is located along the Mohawk River within eastern Montgomery County, and is approximately 30 miles northwest of Albany and 60 miles east of Utica. It is the largest city within the mid-Mohawk Valley, and the River is a dominant local feature. See Map 2 which displays Amsterdam's regional setting.

The beginnings of Amsterdam date back to the Revolutionary War era when settlers began to locate along the Mohawk River at the mouth of the North Chuctanunda Creek in 1783. Originally known as Veddersburg, this hamlet was re-named Amsterdam in 1804 in recognition of its many Dutch settlers. The Port Jackson neighborhood, within the City's South Side, was originally developed during the 1820's upon completion of the Erie Canal. It was later incorporated as a village and eventually annexed to the City of Amsterdam in 1888.

Besides its role as a commercial center closely tied to the Erie Canal, Amsterdam soon developed as a major manufacturing center, known especially for its extensive carpet production industry. In 1840 William K. Greene established a small carpet mill in nearby Hagaman and a few years later began expanding his business in Amsterdam. Throughout the rest of the 19th century and the early 20th century the carpet industry grew dramatically and the City became known as the "Carpet Capital of the World". The period from 1850 to 1920 was also one of industrial diversification, with knitting and other textile products being manufactured, as well as brooms, linseed oil, and paper products.

As was the case throughout much of the Northeast, however, Amsterdam's manufacturing economy began a steady decline from 1940. The aging production facilities and frequent labor unrest contributed to the exodus of textile and other industries to the South and foreign locations. As industrial employment declined, so did the City's population. From a peak population of 34,817 in 1930, the City population has declined steadily to a 1990 level of 20,714. Although the manufacturing sector is still an important employer, a relatively large number of residents commute to Albany for work.

In addition to having its past closely associated with the Mohawk River and Erie Canal, the future revitalization of the City is also linked in large part to the Canal, as a recreational and tourism resource.

B. MOHAWK RIVER/ERIE CANAL

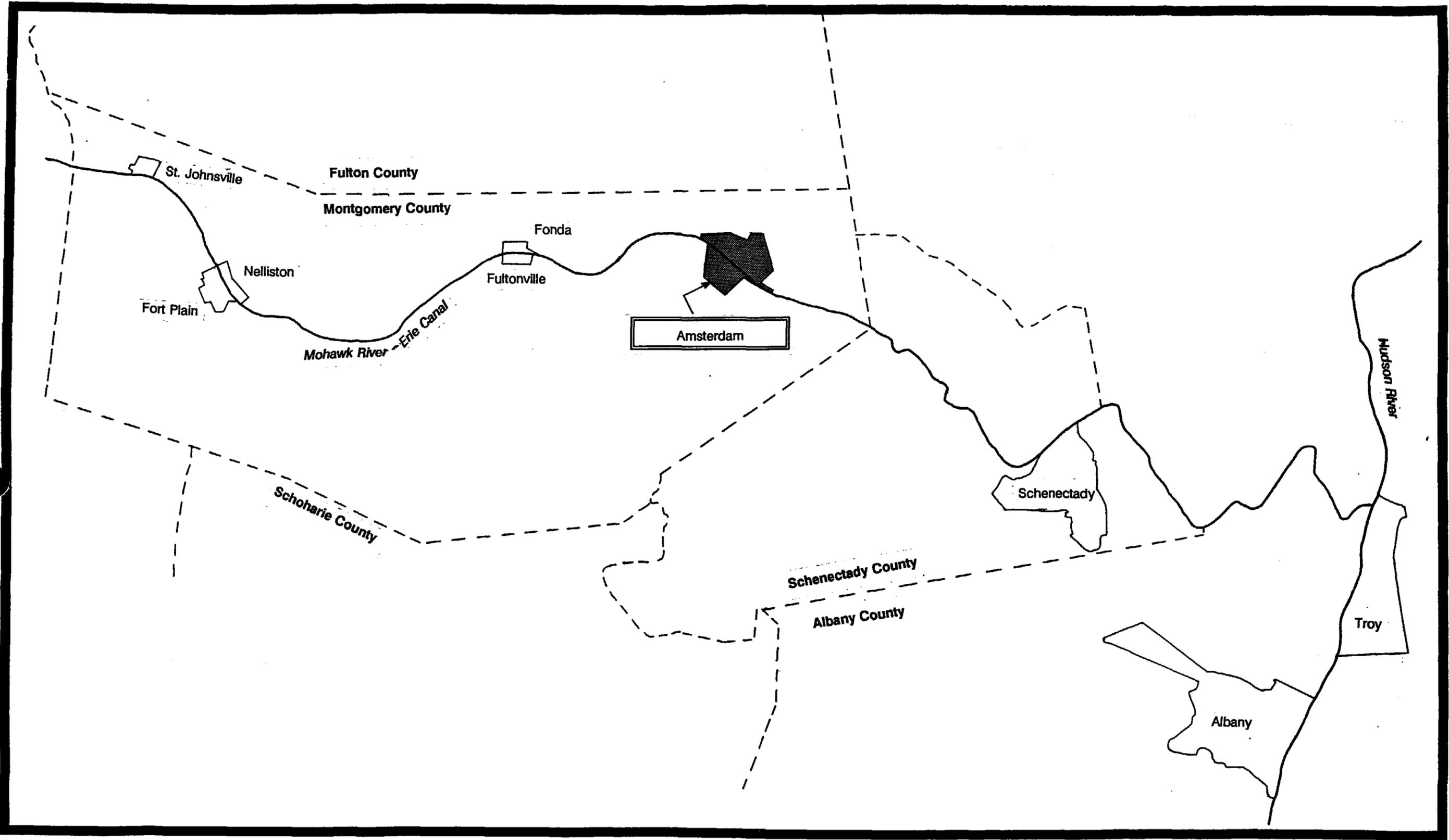
The Mohawk River, coterminous with the Erie Canal within this region of the State, flows in an easterly direction through the City. The Mohawk is the largest tributary of the Hudson River and drains an area of 3,400 square miles. With its headwaters near Delta Reservoir in northern Oneida County, the Mohawk flows 148 miles to its

confluence with the Hudson at Cohoes. Due to the presence of numerous rapids and other features, the Mohawk was not navigable in certain stretches for boat traffic. It was not until construction of the Erie Canal during the early 19th century that the Mohawk Valley's importance as a major transportation artery was fully realized. The Erie Canal was originally completed in 1825 and spanned the State from Cohoes to the Niagara River. Initially, the entire Canal was land-cut and was four feet deep, 40 feet wide, and capable of accommodating boats carrying 30 tons of freight. Completion of the Canal represented one of the greatest engineering achievements of the time and subsequently resulted in a veritable frenzy of canal-building throughout the country. The dominant role which the Canal played in the settlement and growth of the State and the country is well documented in countless history books.

From 1834 to 1862 the Erie Canal underwent an enlargement, whereby its depth was increased to seven feet, allowing it to handle boats carrying 240 tons of cargo. It was the major reconstruction of 1903-1918, however, which created the New York State Barge Canal System as it largely exists today. During that period, the Canal was dramatically expanded by abandoning numerous land-cut sections in favor of canalized natural waterways, such as the Mohawk River, Oneida Lake, Oneida River, and Tonawanda Creek. In addition, this expansion saw the reconstruction of 57 electrically - operated locks and the construction of approximately 2,000 support structures, including lift bridges, movable dams, high dams, and guard gates (emergency dams). During the 1920's the expansion of the Barge Canal System continued with the construction of numerous terminal facilities for commercial freight.

The Barge Canal System, which is now maintained and operated by the NYS Thruway Authority, includes not only the Erie Canal, but numerous branch canals, including the Champlain Canal, Oswego Canal, and Cayuga-Seneca Canal. The total length of the system is 524 miles, with the Erie Canal being 340 miles in length. From its tide-water level at Troy, the Erie Canal rises through a series of locks to an elevation of 565 feet above sea level at the Niagara River.

Although the Barge Canal System was constructed largely for commercial boating, primarily cargo barges, recreational boaters are now by far the dominant users. Since the middle of this century, commercial tonnage has declined substantially. Within the Erie Canal, commercial traffic accounted for only 72,282 tons in 1988 and 5,000 tons in 1990. Commercial traffic passing through the Mohawk Valley consists, for the most part, of machinery and miscellaneous cargo. Conversely, as commercial traffic has decreased to minimal levels, recreational boat traffic has increased dramatically. Although accurate data on the number of pleasure boats using the Canal System has been somewhat lacking, the New York State Department of Transportation estimated that from 1980 to 1990, the number of pleasure boats using the system has doubled. Within Amsterdam, the Department of Transportation estimated that 2,500 pleasure boats passed through Lock No. 11 during 1990.



CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 2 - Regional Setting

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

August 1991



Scale: 1" = 4 Miles

Within Amsterdam, the most notable canal feature is Lock No. 11, located adjacent to the Guy Park State Historic Site in the western portion of the City. Lock No. 11 is a 12 foot lift lock with a movable dam, typical of locks within the Mohawk Valley. The movable dam, which spans the Mohawk, is used to maintain a navigation pool of upstream water. Its gates can be closed to increase the upstream pool during low-water periods, or opened to regulate water levels during the winter season or during periods of flooding. Although operating dates vary slightly, the Canal is usually opened around May 1 and closed around December 1 for the winter months.

In recognition of the Canal System as an underutilized resource that holds considerable potential for increased tourism and recreational opportunities, the State Legislature established the Barge Canal Planning and Development Board during 1986. The Board acted as a focal point for the coordinated promotion, planning and development of the State Canal System for tourism purposes. The initial findings of the Canal Board were documented in their 1989 report, entitled "Development of Tourism and Economic Potential on New York's Canals". Among the specific findings made by the Canal Board were that the pleasure boating industry is the key to the future of the Canal System and that promotion of tourism for the System can be greatly improved.

A key milestone for the Canal System occurred during 1991, when voters approved an amendment to the State Constitution which repealed the ban on tolls for canal users. It is anticipated that the user tolls will finance capital improvements for the system's aging infrastructure. The Constitutional amendment also now allows the State to lease surplus canal right-of-way lands, which should stimulate the provision of private-sector services for boaters.

The amendment was followed in July 1992 by legislation which transferred jurisdiction of the Canal System from the Department of Transportation to the Thruway Authority, which can issue bonds to finance improvements and stimulate economic development activities. In addition, the Barge Canal Planning and Development Board was replaced by an expanded Canal Recreationway Commission, which is charged with overseeing completion of a master plan for the Canal corridor.

It is thus clear that the use and enhancement of the Barge Canal as a recreational facility is key to its future viability. It is likewise clear that the revitalization of Amsterdam's waterfront, and indeed the entire City, revolves around its ability to capitalize on the recreational boating and tourism opportunities offered by the Canal. Amsterdam has several assets which, fortunately, can enhance the development of water-related recreational facilities. The undeveloped and essentially open space character of lands adjacent to the Canal could easily accommodate marina, docking, and related support activities, such as boat repair, fuel, general supplies, and perhaps lodging. Also, in conjunction with the selected renovation of historically significant waterfront industrial structures and existing historic resources, such as the Guy Park State Historic Site, the City's attraction to boaters as a tourism center would be enhanced.

C. EXISTING LAND USE

The existing land use of the waterfront area is presented for four (4) distinct sub-areas, including the West End, Downtown, East End, and South Side. Each of these sub-areas exhibit unique land use patterns. Reference should be made to Map 3 for a graphic display of land use.

1. West End

The West End sub-area includes that portion of the waterfront area extending along Guy Park Avenue from the City's western boundary to Clinton Street, and south to the Mohawk River shoreline.

Although residential development predominates, other uses are located within this sub-area. Single and two-family wood frame homes characterize much of Guy Park Avenue, Division Street, and the numerous cross-streets, with some retail commercial and office uses also present. West Main Street is occupied by commercial and industrial uses, for the most part, although some residential uses are also present.

With respect to building conditions, although some structures exhibit signs of deterioration in the eastern portion of the sub-area, residential conditions are generally good. In addition, some older industrial structures along West Main Street, some of which are only partially occupied by commercial uses, likewise exhibit signs of deterioration.

The area between West Main Street and the Mohawk River shoreline is occupied by the Conrail railroad line and open space canal right-of-way lands. These uses extend throughout the northern shoreline area of the City, as well as much of the Mohawk Valley. Also located within this portion of the sub-area are two key waterfront features: the Guy Park State Historic Site; and Lock #11 of the Erie Canal. Guy Park is a historic structure constructed in the late 18th century and is surrounded by landscaped grounds. Lock #11, the scenic grounds of the Manor, and the well kept maintenance and engineering buildings associated with the lock all act to attract considerable public use during the summer.

2. Downtown

The Downtown sub-area includes the City's central business district and surrounding blocks, and extends from Clinton Street in the west to Schuyler Street in the east, and Guy Park Avenue and the East-West Arterial in the north to the Mohawk River shoreline in the south. The central business district is

generally bounded by Washington and Liberty Streets on the east and Mohawk Place and Wall Street to the west. Land uses are typical of a business district, with retail commercial, professional offices, and public buildings predominating. To the west of Church Street is the older portion of the business district, with buildings generally in good condition and little, if any, deterioration evident. Due in large part to a facade restoration and public improvements program undertaken during the late 1970's, the appearance of this portion of the business district is quite appealing and represents a positive asset. In contrast to this older portion of the business district is Amsterdam Mall, located to the immediate east of Church Street. Constructed during the early 1970's, Amsterdam Mall contains approximately 275,000 sq. ft. of floor space accommodating both retail and office uses, as well as an attached parking garage. To the east and west of the central business district is a zone of transition characterized by a variety of uses, including commercial, residential, and industrial activities.

3. East End

The East End sub-area extends to the east of Schuyler Street, from Main Street to the Mohawk River.

The neighborhood is characterized by strip commercial development along Main Street (NY Route 5), and a mix of blue-collar single and two-family homes, as well as industrial structures on the numerous side streets between Main Street and the railroad lines. The East End is one of the older sections of the City, with low and moderate income households predominating. In addition, the housing stock exhibits varying degrees of structural deterioration. It should be noted, however, that a number of publicly-assisted housing units were recently constructed on vacant lots within this area, and targeted to lower income households.

The East End is also characterized by a concentration of older industrial buildings in close proximity to residential uses. The industrial buildings are located, for the most part, immediately north of the Conrail railroad line. Most of these structures were utilized for carpet production in the past and some have been converted to other industrial uses. The bulk of these structures are only partially occupied and exhibit structural deterioration, with some being totally vacant. The re-use, renovation, and selected demolition of these structures is a central issue to confront in this sub-area.

In addition, the City recently annexed a finger-like extension to the east along the waterfront. Uses occupying the land include the City's sewage treatment plant and a small boat launch ramp operated by the NYS Department of Environmental Conservation.

4. South Side

The South Side sub-area includes that portion of the City to the south of the Mohawk River bounded by Cleveland Avenue, NY Route 30, and NY Route 5S. It comprises the historic Port Jackson neighborhood, the adjacent floodplain to the east and west, as well as the nearby upland area.

The Port Jackson neighborhood comprises the core of the South Side and represents an area of considerable local historic significance. Originally a separate village, Port Jackson is a compact neighborhood comprised, for the most part, of single and two-family homes, as well as commercial and industrial uses. Residential uses are generally wood-frame, detached structures on small lots. Overall housing conditions are good, with no significant levels of structural deterioration present. Neighborhood-level commercial uses are found throughout the area, especially along Bridge Street. Industrial uses occupy much of the neighborhood along the Mohawk River, consisting largely of warehouse and outdoor storage activities. Of particular note is the Chalmers Mill, a vacant former knitting facility, comprised of four separate structures totalling 260,000 sq. ft. of floor area located at Bridge Street and Gilliland Avenue and having direct frontage on the Mohawk. Its renovation and re-use represent a key component in the revitalization of the City's waterfront.

To the east and west of Port Jackson are low-lying lands adjacent to the Mohawk River. Although a small number of structures are located within this area, the bulk of the land is open space. Of particular note are two junk yards located east of Port Jackson and north of Cleveland Avenue with direct frontage on the Mohawk. Perhaps the most noteworthy use in the area, however, is the Mohawk Trailway, which extends in an east-west direction just inland of the shoreline along the abandoned Conrail railroad bed. The New York State Office of Parks, Recreation and Historic Preservation is presently converting this, and other public rights-of-way which parallel the Erie Canal, into a bicycle and hiking trail which will extend throughout the Mohawk Valley and eventually form a canal trail spanning the entire length of the State. The Schenectady to Fort Hunter segment was completed in 1992 and that portion of the trail within Montgomery County will be maintained by the County. The upland portion of the South Side overlooks the Mohawk Valley and is characterized by low density development. Single-family residences predominate in this area and contrast with the older historic character of Port Jackson. Other land uses of note within the upland area are the Montgomery County Infirmary, located off of Broadway and Queen Anne Street; the Barkley Elementary School off of Destefano Avenue; and the Niagara Mohawk Power Corporation operational facility located off Route 5S.

D. LAND OWNERSHIP

A large amount of the City's waterfront area is publicly-owned, including virtually all of the immediate shoreline. (See Map 4 which displays the ownership patterns of waterfront lands.) New York State owns over 300 acres, or 28.5% of the waterfront, comprised of right-of-way lands adjacent to the Erie Canal, as well as the Canal itself. With the exception of the Lock No. 11 facility, the right-of-way lands along the northern shoreline are largely unimproved. The State-owned lands along the southern shoreline area are utilized, for the most part, for the Mohawk Trailway, which is further described in the Public Access and Recreation chapter.

Montgomery County and the City of Amsterdam also own land within the waterfront area. The County owns approximately 43 acres, comprised entirely of the Montgomery County Infirmary, located within the South Side and inland of the shoreline. The City also owns about 43 acres, consisting of parcels scattered throughout the waterfront area. The majority of these lands are vacant parcels owned by the City's Industrial Development Agency and Urban Renewal Agency, and located inland within the Downtown and East End neighborhood.

Conrail is also a major land owner within the waterfront area, with holdings of approximately 68 acres. Conrail lands are comprised of a continuous tract along the northern shoreline area and actively used as a railway. Excluding Conrail, privately-owned land comprises nearly 58% of the waterfront area. As shown on Map 4, however, only a small portion of the actual shoreline area is in private ownership.

The presence of extensive, largely open space publicly-owned lands represents a considerable asset and opportunity to the City in accommodating future water-related development. The use of the State-owned Canal right-of-way lands through long-term lease arrangements with the City or the private sector is a key element in facilitating the revitalization of the waterfront. The Conrail lands, however, represent a possible constraint to future development along the northern shoreline. As previously discussed in this section, the railroad represents a barrier to shoreline access which must be overcome.

The following table summarizes the approximate acreage of public and private land ownership within the City's waterfront area.

Table 1

| WATERFRONT LAND OWNERSHIP | | |
|------------------------------------|--------------|------------------------------|
| Type of Ownership | Acres | Percent of Total Area |
| Montgomery County | 43 | 3.9 |
| City | 43 | 3.9 |
| New York State | 314 | 28.5 |
| --Land | (144) | (13.1) |
| --Erie Canal | (170) | (15.4) |
| Subtotal - Publicly Owned * | 400 | 36.3 |
| Conrail | 68 | 6.2 |
| Other Privately Owned | 634 | 57.5 |
| Total | 1,102 | 100.0 |

* This figure does not include local highway and street right-of-ways.

E. PUBLIC ACCESS AND RECREATION

Although virtually all of the City's immediate shoreline lands are in public ownership, waterfront access and recreational opportunities are somewhat limited. As previously mentioned, both the East-West Arterial and the Conrail railroad lines represent significant barriers to shoreline access. Overcoming these obstacles is key for any effort aimed at increasing waterfront access along the City's northern Mohawk River shoreline.

Presently, public access is concentrated at three locations: the State-owned boat launch ramp, located adjacent to the City's sewage treatment plant in the East End; the open space waterfront land below the Route 30 bridge in the Downtown; and the Barge Canal Lock No. 11/Guy Park area. The State boat launch is utilized by small boats trailored by car, primarily for pleasure boating and recreational fishing. The facility does exhibit some deterioration and is not heavily used. The open space waterfront area below Route 30 in the Downtown is unimproved, but widely used for recreational fishing. Due to the

width of this shoreline tract and its central location, its future development as a waterfront park will be pursued. A significant barrier to developing this area, however, is poor roadway access to it, as well as the presence of the Conrail rail lines. Access is gained to it by a circuitous road with an uncontrolled crossing over the Conrail lines. The Lock 11/Guy Park area, located in the West End, is heavily used for both recreational fishing and other passive uses. The well maintained grounds of these facilities represent a significant recreational asset to the City. The development of a public boat launch at this location is being actively pursued by the City.

Within the Port Jackson neighborhood, public access is somewhat limited by development which abuts the shoreline, such as the Chalmers Mill and other industrial uses. Opportunities nonetheless exist for the siting of water-dependent recreational facilities, especially a marina, within the South Side to the east or west of Port Jackson. As previously discussed in the "Mohawk River/Barge Canal" chapter, a key aspect in the revitalization of the City will be capitalizing on the recreational boating opportunities offered by the Canal. The development of docks, marinas, and associated services such as boat repair and supply businesses are important components in this regard.

Also of great importance as a recreational resource is the Mohawk Trailway, presently (1992) completed from Schenectady to Fort Hunter and located along the abandoned Conrail railroad bed just inland from the City's south shoreline. When completed, this hiking and bicycle trail will extend throughout the Mohawk Valley and eventually span the entire State.

See Map 5 which displays the location of these public access sites.

F. INFRASTRUCTURE

The City of Amsterdam is serviced by a full range of utilities and support systems typical of an urbanized area. The following describes various key components, including the water supply, sewage disposal, solid waste disposal, and transportation systems.

1. Water Supply

The City is serviced by a public water supply system. The raw water sources are the Ireland Vly and Steele Reservoir, surface reservoirs located north of the City and east of the Great Sacandaga Lake in the Town of Providence, Saratoga County. From these reservoirs, raw water is transmitted to the City's filtration plant, located in the northern portion of the City off Brookside Avenue. Treated water is then transmitted to the adjacent Brookside Reservoir and subsequently distributed throughout the City.

The overall system is in good condition and should be able to accommodate the proposed uses and level of waterfront development discussed in Section IV. The filtration plant, for example, has a design capacity of 10 million gallons per day (MGD) and is currently operating at an average flow of 4.5 MGD.

2. Sewage Disposal System

The City is serviced by a public sewage disposal system. The system is separated into sanitary and storm-water collection components, for the most part, although a small section of the City is still served by combined sewers. Sewage is collected and pumped to the treatment plant, located along the northern shoreline of the Mohawk in the extreme eastern portion of the City along a narrow strip of waterfront land recently annexed by the City.

Overall, the system is in good condition and should be able to adequately accommodate the proposed waterfront development described in Section IV. The treatment plant, for example, has a design capacity of 10 MGD and is currently operating at an average flow of 5 MGD. Also, an evaluation conducted in the early 1980's found that combined sewer overflows had minimal impacts on Mohawk River water quality. Problems have occurred, however, at the treatment plant where sludge has been discharged into the Mohawk River. The City is addressing this problem through various improvements to the plant and is considering sludge composting as a possible long term solution.

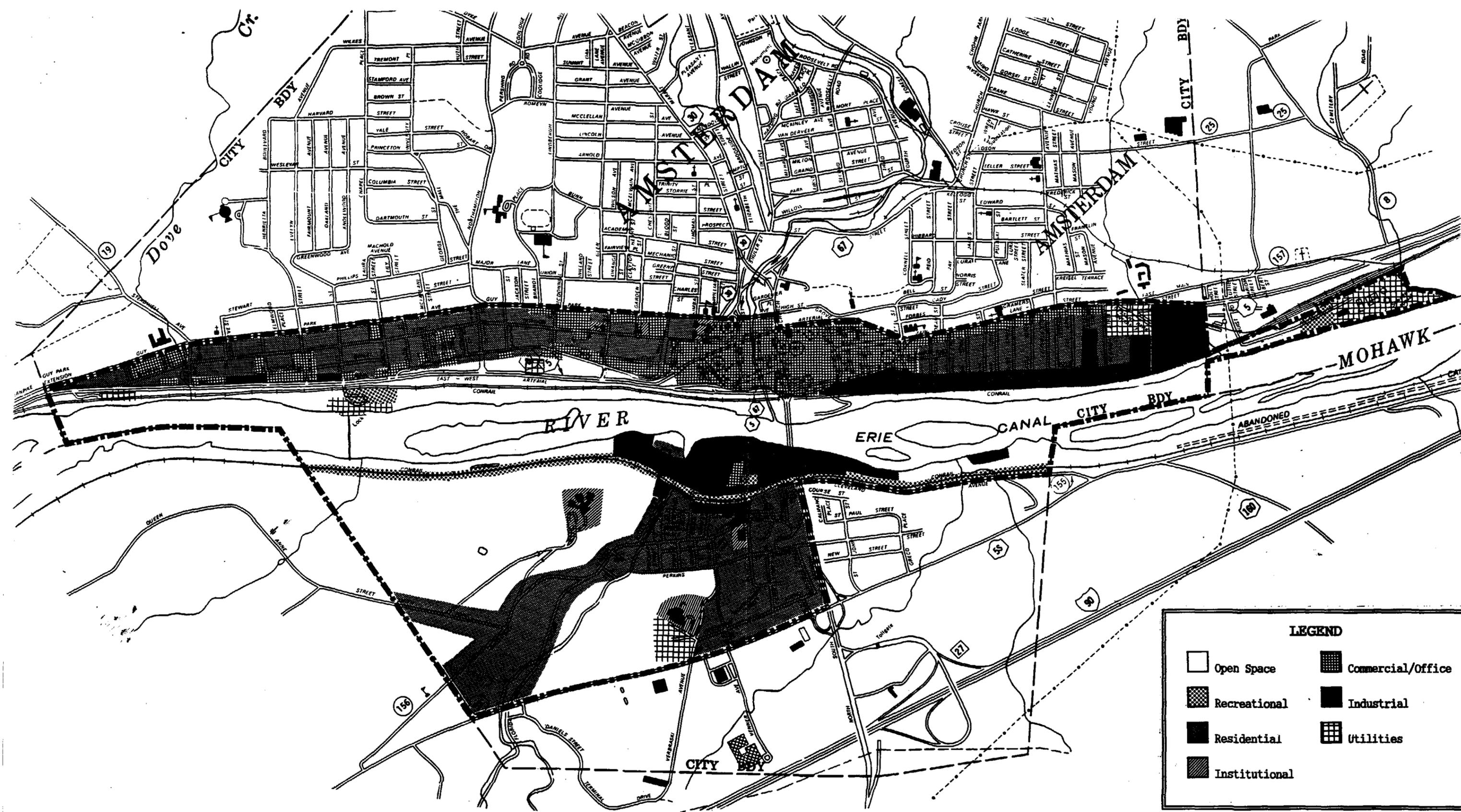
3. Solid Waste Disposal

Solid waste is collected by the City and disposed of by the Montgomery-Otsego-Schoharie Authority (MOSA). Waste is transported from the City to the MOSA landfill, located to the west of the City near the Montgomery County hamlet of Randall. Currently, adequate capacity exists to accommodate the proposed level of development discussed in Section IV of this document.

Additionally, MOSA has constructed a solid waste transfer station off of Route 5S in the southern upland portion of the City. The facility serves as a central location to transport waste collected by the City and adjacent municipalities to the MOSA landfill.

4. Transportation Systems

An extremely diverse transportation network characterizes Amsterdam, especially the waterfront area. The Erie Canal, coterminous with the Mohawk River, dominates the waterfront. As described in more detail in a previous chapter, the



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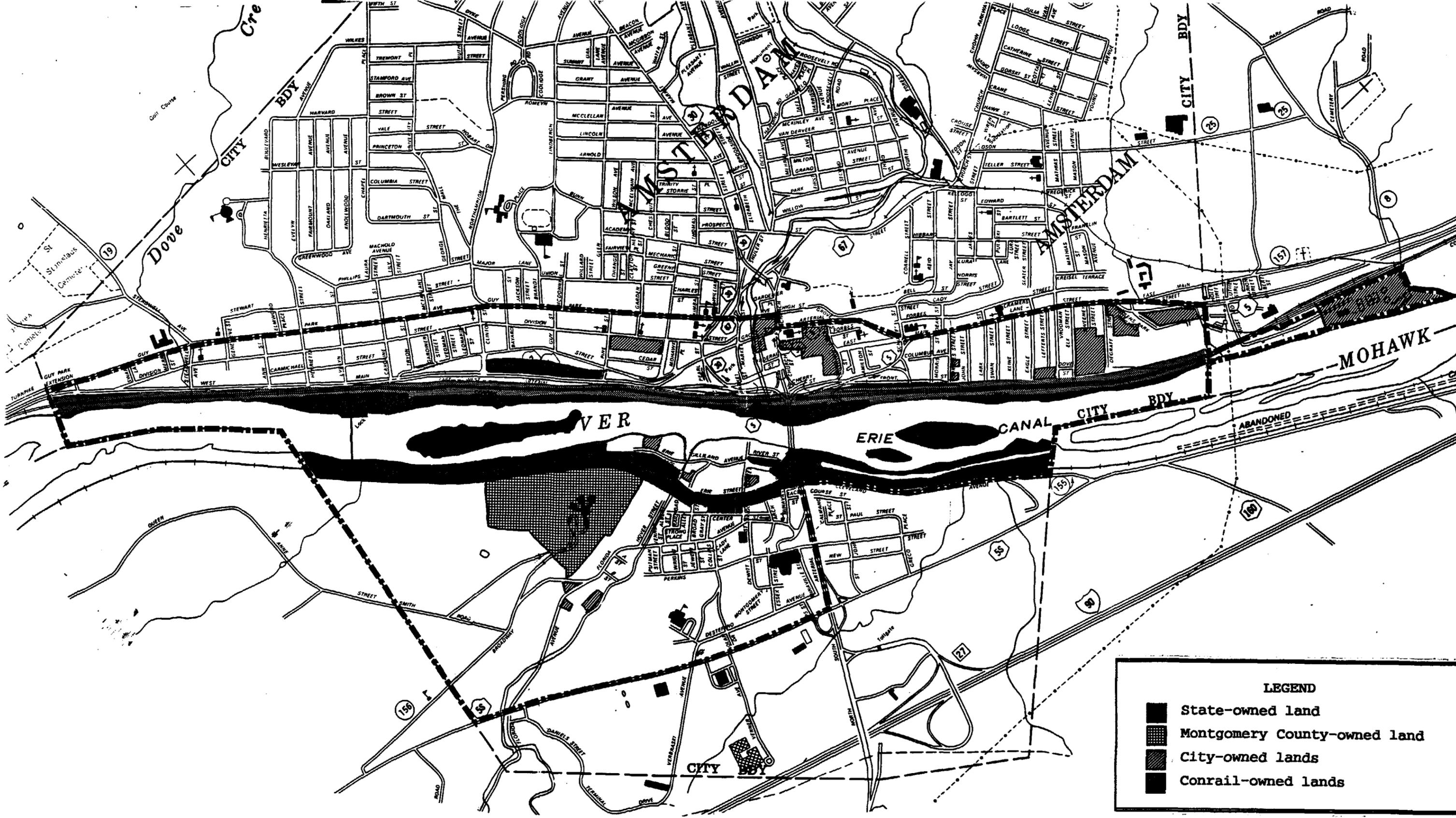
| | |
|---|---|
|  Open Space |  Commercial/Office |
|  Recreational |  Industrial |
|  Residential |  Utilities |
|  Institutional | |

CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 3 - Existing Land Use
 New York State Department of State Division of Coastal Resources and Waterfront Revitalization



May 1991

Scale: 1" = 1200'



CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 4 - Ownership of Waterfront Lands

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

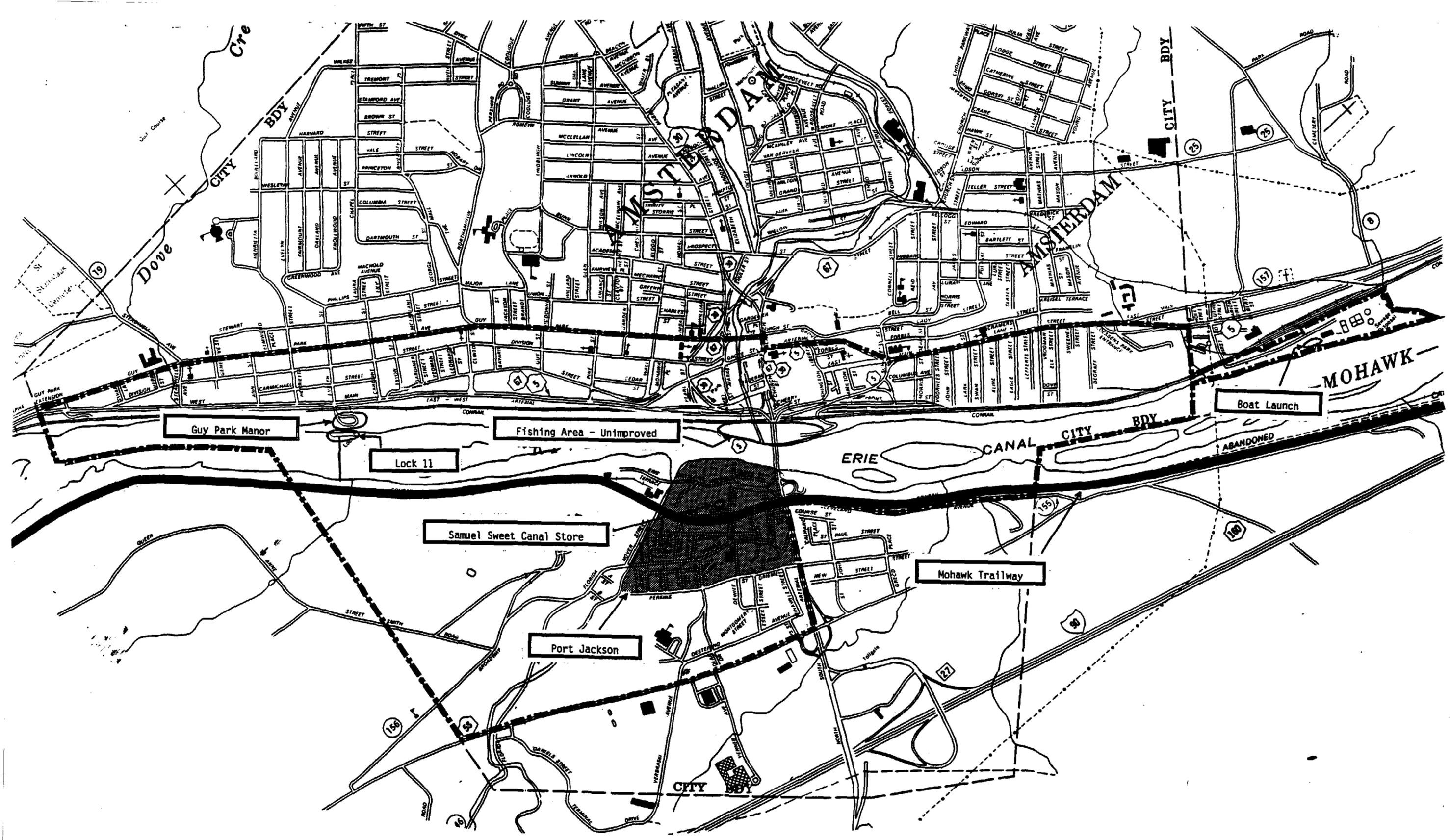
LEGEND

- State-owned land
- Montgomery County-owned land
- City-owned lands
- Conrail-owned lands



August 1991

Scale: 1" = 1200'



CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 5 - Historic Resources and Public Access Sites

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

August 1991

Scale: 1" = 1200'

N



Erie Canal is a major component of the New York State Barge Canal System, which totals 524 miles of waterways, comprised of artificial, land-cut sections and canalized rivers and lakes. The Canal System provides boat access to the Atlantic Ocean, the Great Lakes, and the St. Lawrence Seaway. It represents a substantial asset to the City for future recreational opportunities.

With respect to roadways, the New York State Thruway (Interstate 90) passes through the southern portion of the City, with Interchange #27 located immediately south of NYS Route 5S. The Thruway provides the City with rapid vehicular access to Albany, Utica and points east and west.

Local roadways are also a dominant feature of the waterfront area, providing both opportunities and constraints to future waterfront development. NYS Route 30 is the primary north-south roadway and spans the Mohawk River between the South Side and Downtown. NYS Routes 5 and 67 are the primary east-west roadways within the City. Route 5 is located immediately to the north of the Conrail railroad line in the West End, Downtown, and East End sections of the City and follows Main Street, for the most part. Within the Downtown, a section of Route 5 comprises the East-West Arterial, an elevated limited-access highway which serves to bypass portions of Downtown, as well as providing direct access to Route 30 and subsequently to the Thruway. Although the East-West Arterial and the connecting ramps to the Route 30 bridge are important local roadways, their elevated configuration acts as a barrier to waterfront access within the Downtown. Overcoming these barriers is key to virtually any future waterfront development along the northern shoreline within the City.

Public mass transit is provided to local residents by the City of Amsterdam Bus Transportation Department. Bus service is provided on a regular basis throughout the waterfront area.

Another key feature of the waterfront is the rail line located just inland along the City's northern Mohawk shoreline. Owned by Conrail and utilized by both Conrail and Amtrak, this railroad line hugs the river throughout the Mohawk Valley. Although it serves as an important artery for the transportation of freight and passengers, like the highway system, it also represents a significant barrier to public access to the City's waterfront.

G. HISTORIC RESOURCES

The City of Amsterdam, particularly its waterfront area, is rich in historic significance dating back to the Revolutionary War era. Located within the waterfront area are historic structures of national and local significance, as well as archaeological resources.

The Guy Park State Historic Site and the Samuel Sweet Canal Store are both listed on the National Register of Historic Places. Guy Park is a State-owned historic site located adjacent to Erie Canal Lock No. 11 in the western portion of the City, which is operated by the Montgomery County Chamber of Commerce. This late Georgian stone house was constructed by Guy Johnson in 1773 and its history is reflective of several important issues within the Mohawk Valley, including Indian affairs and the construction of the railroad and Erie Canal. As Superintendent of Indian Affairs for the northern colonies of British America, for example, Johnson conducted numerous Indian meetings at Guy Park. Together with Lock No. 11, Guy Park serves as a major public access and waterfront resource for the City.

The Samuel Sweet Canal Store, constructed in 1847 as a storage facility for goods transported along the Erie Canal, is located near the intersection of Bridge and Erie Streets within the Port Jackson neighborhood. The old land-cut Erie Canal, abandoned in favor of the canalized Mohawk River, previously existed to the immediate north of this structure. The store is constructed of rough-cut limestone and reflects a simple utilitarian appearance. It is architecturally significant as an example of the distinctive canal store structure and is a rare, surviving example of the era when the Erie Canal was the nation's foremost link to the western frontier. The structure is presently in private ownership and used as a storehouse.

The Port Jackson neighborhood represents a locally-significant historic district whose growth was closely tied to construction of the Erie Canal. It is typical of the numerous villages which sprang up along the Canal and developed as commercial and industrial centers. Port Jackson developed into an active community in 1825 upon completion of the original Erie Canal, was incorporated as a village in 1852, and was annexed to the City of Amsterdam in 1888. While only a few buildings exist from the early 19th century canal era, Port Jackson is still comprised, nonetheless, of a building stock which displays substantial local historic significance.

The waterfront area is also characterized by numerous archaeological resources. In this regard, the New York State Office of Parks, Recreation, and Historic Preservation has identified the entire waterfront area as a zone of archaeological sensitivity.

See Map 5 for the location of historic resources within the waterfront area.

H. TOPOGRAPHY AND GEOLOGY

Amsterdam is located within the Mohawk Valley subdivision of the Hudson-Mohawk Lowland physiographic region and lies between the Adirondack Mountains to the north and the Appalachian Upland to the south. Soils within the waterfront consist largely of alluvium, or river-deposited sediments, as well as considerable amounts of fill. Sub-surface geology is comprised of glacial deposits overlying a shale bedrock. The

overall topography of the waterfront and adjacent area is typical of a river valley, with a narrow flat floodplain surrounding the Mohawk River sloping to a rolling upland area. In addition, the North and South Chuctanunda Creeks cut steep-sloped valleys through the City. The base elevation at the shoreline of the Mohawk is approximately 260 feet above sea level, sloping to an upland elevation of about 700 feet above sea level in the northern outskirts of the City and 450 feet above sea level in the City's southern extreme. The steep slopes rising from the base of the floodplain and along the creek banks range from 25% to 45% grades. Although these steep slopes obviously represent a developmental constraint, views of the lower portion of the City and the Mohawk are excellent from the upland area.

I. WATER QUALITY

The water quality of the Mohawk River has improved significantly in recent years. That portion of the Mohawk flowing through Amsterdam is rated "C" by the New York State Department of Environmental Conservation, being suitable for fishing and fish propagation. Water quality ratings of "C" have also been established for the North and South Chuctanunda Creeks.

Water quality ratings of "C" have likewise been established for the following small streams which pass through the waterfront area and empty into the Mohawk River: Dove Creek, which flows through the West End into the Mohawk to the west of Lock No. 11; Degraff Creek, which forms a portion of the City's eastern municipal boundary and flows into the Mohawk adjacent to the City's sewage treatment plant; an un-named stream identified as Mohawk Tributary 66, which enters the Mohawk about 3,500 ft. west of Degraff Creek; an un-named stream identified as Mohawk Tributary 72 which originates in a wetland to the south of Queen Ann Street and enters the Mohawk just opposite Lock 11 on the South Side; and two un-named streams identified as Mohawk Tributaries 68 and 67 which merge and enter the Mohawk to the west of the eastern South Side municipal boundary.

Apart from the City's sewage treatment plant and ten (10) storm water outfalls, no industrial point-source discharges into the Mohawk have been identified. As previously discussed in the "Infrastructure" chapter, since virtually all of the City's sewage collection system is separated, combined sewer overflows do not represent a significant water quality problem. It can be assumed that the primary impacts on water quality result from non-point source urban runoff and upstream rural runoff. Overall, water quality within the Mohawk and its tributaries within the City is fairly good and should not pose constraints on future waterfront development.

J. ENVIRONMENTALLY SENSITIVE FEATURES

This chapter describes land and water resources within the waterfront area which either represent a hazard to future development or are sensitive to developmental activities. These features include steep slopes, wetlands, and flood prone areas and are displayed on Map 6.

Steep slopes exist along the Mohawk River bluffs and the South Chuctanunda valley within the South Side. From the low-lying floodplain adjacent to the River, slopes with grades of approximately 50% rise almost 150 ft. to the upland area. Such slopes represent an obvious constraint to development, and disturbance of these slopes should be minimized or avoided altogether. With respect to wetlands, the New York State Department of Environmental Conservation (DEC) identifies and regulates wetlands which are over 12.4 acres in size or which display unique characteristics, pursuant to the State's Freshwater Wetlands Act. Such wetlands are then rated by DEC into four classifications, with Class I representing the most valuable. A total of four such wetlands have been identified by DEC which are located either entirely or partially within Amsterdam's waterfront area, and are designated by the identification codes TH-14, A-30, A-11, and A-12.

Wetland TH-14 is located in the extreme western portion of the City and extends into the Village of Fort Johnson. This Class I wetland is situated within the Mohawk River and the immediate shoreline area, is 165 acres in size, and consists of mudflat and emergent vegetation. Wetland A-30 is a 23 acre Class II wetland located to the immediate east of TH-14 within the Mohawk River and adjacent shoreline. Only a small portion of this wetland is actually within the City, with the bulk of it being in the Town of Florida. Wetland A-11 is a 96 acre Class II wetland comprised of open water, shrub, and emergent vegetation. This wetland includes several small islands within the Mohawk and extends into the Town of Florida. Wetland A-12 is a 28 acre Class II wetland located along the East End shoreline adjacent to the City's sewage treatment plant. This wetland consists of meadow vegetation and shrubs.

Flood-prone lands also exist within the City's waterfront area. The Federal Emergency Management Agency has designated both flood hazard areas and floodways along the Mohawk River and the North and South Chuctanunda Creeks. These flood-prone areas exist along the immediate shorelines and do not extend inland more than 400 ft. A flood hazard area has a 1% chance of being inundated by flood waters each year, or once every 100 years.

K. FISH RESOURCES

The lower Mohawk River, from Five Mile Dam west of St. Johnsville to its confluence with the Hudson River, supports abundant and diverse warmwater fish populations. A

fisheries survey conducted by the New York State Department of Environmental Conservation during the mid-1980's identified fifty-six (56) fish species within this portion of the Mohawk. The survey showed that the lower Mohawk River contains a very large population of smallmouth bass, maybe one of the best fisheries within the State for that species. In addition to smallmouth bass, other abundant or common fish found in the Amsterdam vicinity include: walleye; bullheads; rock bass; yellow perch; blueback herring; carp; and suckers.

As mentioned in the "Public Access and Recreation" chapter, recreational fishing within the Mohawk is popular. The State-owned boat launch adjacent to the City's sewage treatment plant is the primary means of access for boat fishing. Shoreline fishing is popular, particularly at Lock No. 11 and also along the open space shoreline adjacent to the downtown.

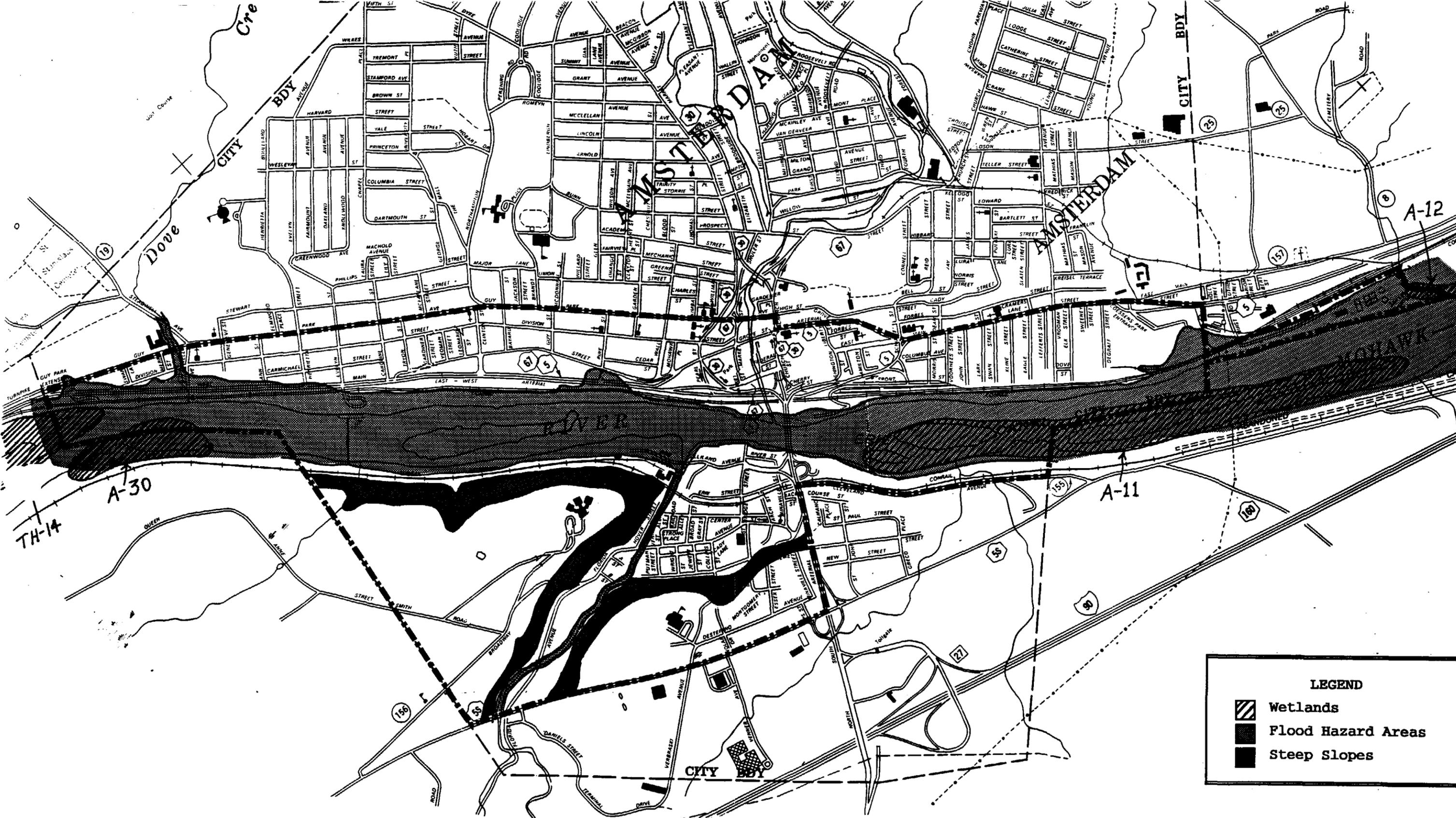
L. ZONING

The City's Zoning Law recently underwent a comprehensive revision. The current zoning establishes districts which support stable existing uses, while also accommodating planned future waterfront development. The zoning districts to the north of the East-West Arterial and Conrail railroad, as well as within the Port Jackson neighborhood, are largely reflective of existing land uses. In this regard, single and two-family residential, light industrial, and commercial districts characterize these portions of the waterfront area. Along much of the immediate Mohawk River shoreline, however, a special waterfront district was established which has parks and boating facilities as the principal permitted uses. (See Map 7 which displays the zoning districts within the waterfront area.)

In addition, special historic preservation and flood protection zoning districts were also established. The Historic Resources Overlay District seeks to preserve the historic character of the Port Jackson neighborhood, as well as portions of the Downtown and along the Guy Park Avenue corridor. The Floodway Zone and Floodway Fringe Overlay Districts, coterminous with the flood hazard areas delineated by the Federal Emergency Management Agency, seek to protect property and the natural flood protection values of floodways by discouraging all but open space uses in a floodway and by setting forth flood proofing construction criteria for development to be located within floodway fringe areas.

M. SUMMARY OF KEY WATERFRONT ISSUES

- Provide for the re-use and redevelopment of vacant and under-utilized industrial structures which are found throughout the waterfront area, particularly within the East End and South Side neighborhoods.
- Capitalize on the recreational boating opportunities offered by the Erie Canal/Mohawk River. The development of docks and associated services, such as boat repair and supply facilities, are key components in this regard.
- Develop improved public access and recreational opportunities along the State-owned Erie Canal right-of-way lands. Such lands are ideal for use as waterfront parks or recreational boating facilities.
- Overcome the East-West Arterial and Conrail railroad as barriers to shoreline public access. Improving connections between the downtown and waterfront is a key element for the City to address if it is to capitalize on the Mohawk as a recreational and economic resource.



LEGEND

- Wetlands
- Flood Hazard Areas
- Steep Slopes

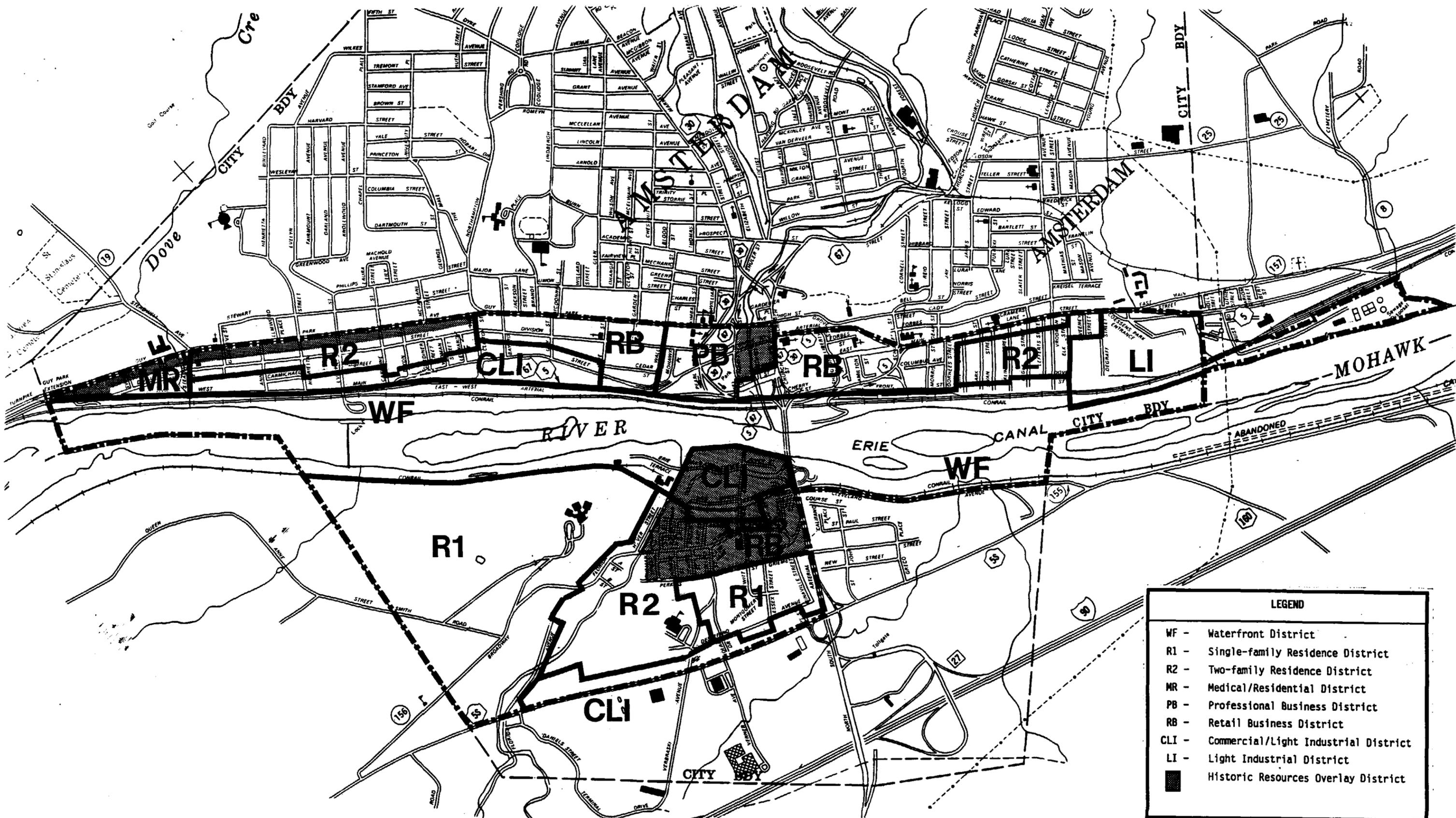
CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 6 - Environmentally Sensitive Features

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

August 1991

Scale: 1" = 1200'

N



| LEGEND | |
|--------|--------------------------------------|
| WF | Waterfront District |
| R1 | Single-family Residence District |
| R2 | Two-family Residence District |
| MR | Medical/Residential District |
| PB | Professional Business District |
| RB | Retail Business District |
| CLI | Commercial/Light Industrial District |
| LI | Light Industrial District |
| ■ | Historic Resources Overlay District |

CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 7 - Zoning

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

N

Scale: 1" = 1200'

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

POLICY 1 REVITALIZE DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPARABLE USES.

The 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 urban waterfront areas. Since virtually all major cities within the State developed along various waterways, their waterfronts are often the oldest and, unfortunately, most deteriorated portions of these communities.

As described in the Inventory and Analysis Section, much of the waterfront area is characterized by either deteriorated structures or underutilized open space lands adjacent to the Mohawk.

The City's revitalization of its waterfront will focus on the following:

1. Rehabilitation of residential units and neighborhood commerce in the East End and West End neighborhoods.
2. Re-use, rehabilitation, and selected demolition of vacant and underutilized industrial structures throughout the waterfront area.
3. Redevelopment of the immediate shoreline area, to include a focus on recreational boating and public access opportunities. In this regard, boat docking facilities and related services are encouraged, as well as the development of parks and shoreline trails.
4. The provision of better access to the shoreline within the Downtown.
5. The preservation and enhancement of the historic character of the Port Jackson neighborhood.

Proposed long-term land uses, as well as specific projects, are fully described in Section IV.

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

It can be reasonably expected that the demand for waterfront space will intensify in the long-term. The traditional method of land allocation, the real estate market, with or without local land use controls, offers little assurance that uses which require a waterfront site will, in fact, have access to such locations. To ensure that such water-dependent uses can be accommodated, City and State agencies will avoid undertaking, funding, or approving the siting of non-water-

dependent uses along the waterfront which would pre-empt the foreseeable development of water-dependent uses.

Within Amsterdam, the principal water-dependent uses to be encouraged are recreational boating facilities, such as docks and marinas. In addition, complimentary uses, such as boat repair, supply, and lodging activities are also encouraged. Presently, little, if any, demand exists for the siting of water-dependent industry.

With regard to the siting of boating facilities, marinas should be located along the South Side, to the east or west of the Port Jackson neighborhood where access to the shoreline is not impeded by highway arterials or railroads. Boating facilities along the northern Mohawk shoreline should be limited to docks for transient boaters or boat launch ramps, provided adequate railroad crossing signals are provided for vehicular and pedestrian traffic.

Water-enhanced recreational facilities, such as parks and trails are acceptable uses for virtually any portion of the waterfront, although direct shoreline access within the Port Jackson neighborhood is precluded due to existing development.

POLICY 3 STRENGTHEN SMALL HARBORS BY MAINTAINING THE MIX OF TRADITIONAL USES, ASSURING SAFE NAVIGATION AND RESOLVING USE CONFLICTS AND COMPETITION THROUGH HARBOR AND WATER SURFACE USE MANAGEMENT.

The Barge Canal and other waterways throughout the State have experienced a significant growth in recreational boating in recent years. The increase in boat traffic has resulted in a corresponding demand for marinas, docks, storage areas, service shops, and launch facilities. Although communities have been preparing comprehensive land use plans for years, equivalent attention has not been given to the water surface and harbor areas. As a result, problems have arisen related to boating congestion, public safety, dredging and dredge spoil disposal, public access to the waterfront, water quality, and competition of land uses along the waterfront.

It is anticipated that recreational boating facilities, such as a marina, will be sited along the Mohawk shoreline, probably within the South Side. In order to assure that such facilities will be constructed and sited in a manner which does not degrade natural resources or adversely impact boat traffic, the following guidelines shall apply:

1. Marinas shall be located in areas where minimal maintenance dredging will be required (not more than once every five years).
2. Marinas shall not be located in areas which they would harm aquatic life or would degrade identified wetlands.

3. Adequate sewage pump-out facilities shall be provided. The number and type of such facilities shall be determined by the size of the marina and the type of boats served by it.
4. Adequate restroom facilities shall be provided to discourage overboard discharge of sewage from boats and to protect water quality.
5. Ample signage shall be provided to identify the location of restrooms and pump-out facilities. Signs must also fully explain the procedures and rules governing the use of the pump-out facilities. Pump-out facilities shall be available to all boaters, regardless of whether they are patrons of the marina.
6. Dedicated parking spaces shall be provided at a minimum rate of 0.6 spaces per slip plus additional spaces for employees and for separate retail activities on the premises.
7. Fuel spill prevention emergency response plans shall be prepared and the provision of automatic fuel cut-offs for hoses is mandatory.
8. Stormwater runoff from parking lots, maintenance, fueling, and wash-down areas must be treated in a manner that prevents oils, grease, and detergents from reaching adjacent waters and wetlands. Accepted treatment methods include oil and grease filtering catch basins, retention areas and exfiltration systems.
9. Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste.
10. The underwater portions of piers and docks, including piles, shall not be constructed using creosote treated lumber.

**POLICY 4 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS
WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO
SUCH DEVELOPMENT ARE ADEQUATE.**

In order to foster orderly patterns of growth, development should be located in areas with adequate infrastructure, or support services. A major expansion of public water supply, sewage disposal, and road systems is costly and would place a considerable financial burden on the City. Fortunately, the City's waterfront area is urbanized and served by, or accessible to, all of the necessary support systems. In addition, the level of waterfront development set forth in Section IV is not of the magnitude which would strain existing services.

POLICY 5 SIGNIFICANT FISH AND WILDLIFE HABITATS WILL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED TO MAINTAIN THEIR VIABILITY AS HABITATS.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. In order to protect and preserve a habitat, activities and development which would destroy or significantly impair the viability of a habitat will not be undertaken. 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. Significant impairment is defined as a reduction in vital resources (e.g. food, shelter, living space) or change in environmental conditions (e.g. temperature, substrate, salinity) beyond the tolerance range of an organism.

As described in Section II.K. of the Inventory and Analysis, the Mohawk River supports abundant and diverse warmwater fish populations. Within the lower Mohawk River is one of the largest fisheries for smallmouth bass within the State. Other abundant or common fish found in the Amsterdam vicinity include: walleye; bullheads; rock bass; yellow perch; blueback herring; carp; and suckers.

Within the City, recreational fishing is popular, either from the shoreline or from small boats.

Activities should not be undertaken which adversely impact fish populations. Such activities include, but are not limited to, the following:

- Those which increase sedimentation or erosion.
- The point and non-point discharge of toxic substances.
- The disturbance of wetlands, which serve as important nursery and feeding areas for fish and wildlife.

POLICY 6 IN ORDER TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION, DEVELOPMENT WILL BE SITED AWAY FROM HAZARD AREAS WHEREVER PRACTICAL, AND NATURAL FLOODING AND EROSION PROTECTIVE FEATURES WILL NOT BE DEGRADED.

Although erosion is not a problem within Amsterdam, floodways and flood hazard areas have been designated along the shoreline. In order to minimize property damage resulting from flooding, development will be discouraged from locating within such areas or appropriately flood-proofed.

Within floodways, as identified by the Federal Emergency Management Agency (FEMA), only open space uses will be allowed.

Within flood hazard areas, development will be undertaken in accordance with the following guidelines:

- a. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water related forces.
- b. All construction materials and utility equipment used shall be resistant to flood damage.
- c. Construction practices and methods shall be employed which minimize potential flood damage.
- d. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
- e. Adequate drainage shall be provided to reduce exposure to flood hazards.
- f. All water supply and sewage disposal systems shall be designed to minimize or eliminate flood water infiltration or discharges into the flood waters.
- g. All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood.
- h. All new non-residential construction or substantial improvements to such non-residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood or, as an alternative, be flood-proofed up to that same water level, including attendant utility and sanitary facilities.
- i. No use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood more than one (1) foot at any point.

POLICY 7

EROSION PROTECTION STRUCTURES SHALL BE CONSTRUCTED ONLY IF THEY ARE NECESSARY TO PROTECT HUMAN LIFE, EXISTING DEVELOPMENT, OR NEW WATER-DEPENDENT DEVELOPMENT AND WILL RESULT IN NO MEASURABLE INCREASE IN EROSION OR FLOODING AT

OTHER LOCATIONS. NON-STRUCTURAL MEASURES SHALL BE USED WHENEVER POSSIBLE. PUBLIC FUNDS SHALL ONLY BE USED WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM COSTS.

Shoreline erosion is not presently a significant problem within Amsterdam's waterfront area. Increased boating along the Mohawk River/Barge Canal may result in localized erosion from waves generated by boat wake. Generally, two methods can be used to alleviate erosion: the construction of bulkheads and the installation of revetments, or riprap. Bulkheads would be used, for the most, along stretches where development abuts the shoreline, while riprap would be used along open space or undeveloped portions of the shoreline.

POLICY 8 MAXIMIZE PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES TO THE SHORELINE AND TO WATERWAYS.

The provision of additional public access and recreational opportunities to the Mohawk River and its shoreline represents the focus of the City's waterfront revitalization effort. Additional access will be provided, as follows:

1. The existing boat launch ramp within the East End is in need of improvement. Its repair should result in increased use.
2. An additional boat launch ramp is to be constructed adjacent to Lock No. 11 in the West End. Construction of this facility will necessitate the installation of appropriate railroad crossing improvements, as well as access road, parking, and lighting improvements.
3. A municipal waterfront park is to be constructed within the Downtown in the shoreline area below the Route 30 bridge. In addition to typical recreational uses, such as picnic areas, docks for transient boaters may also be provided. A shoreline trail extending to the east and/or west of this park will also be pursued. The development of any public uses along the northern Mohawk shoreline, especially in the Downtown area, must overcome the Conrail railroad and highway arterials as barriers to waterfront access.

POLICY 9 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AND SITES THAT ARE OF SIGNIFICANCE TO THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

Among the most valuable community resources are those structures or areas which are of historic, archeological, or cultural significance. The protection of these resources must include concern not only with specific sites, but with areas of significance and the area around specific sites.

The provisions of this policy apply to the Port Jackson neighborhood, the Downtown, Guy Park Manor, and the numerous zones of archeological sensitivity located throughout the waterfront. (See chapter G. "Historic Resources" of the Inventory and Analysis for a detailed description of historic resources.)

The rehabilitation of structures within these areas shall be undertaken in a manner which preserves historic elements and character. New construction shall be generally compatible in terms of design and materials with the historic character of the area to the maximum extent practicable. In addition, the rehabilitation and adaptive re-use of vacant industrial structures represents a key component in the revitalization of the waterfront.

With respect to activities which involve excavation of land within zones of archeological sensitivity, public agencies will contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures for archeological resources.

POLICY 10 PROTECT AND IMPROVE THE VISUAL QUALITY OF THE WATERFRONT.

Amsterdam's waterfront is characterized by urban development, transportation arteries, and undeveloped open space shoreline tracts. The most important visual concern is the view of the City from the Mohawk River. Elements impacting these views include deteriorated structures and unkempt parcels.

When considering a proposed action, care shall be given to protecting and enhancing the overall scenic quality of the waterfront. Any commercial or industrial use to be located along the shoreline, for example, shall be provided with a fence, screening, and/or landscaping sufficient to mitigate any negative visual impacts. In addition, junk yards, outdoor storage lots, and parking lots which front on public right-of-ways or residential districts shall be screened in an appropriate manner.

POLICY 11 THE STATE WATERFRONT REVITALIZATION POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO THE CITY OF AMSTERDAM.

POLICY 12 **MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF EFFLUENT AND POLLUTANTS, INCLUDING, BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO WATER BODIES WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**

While industrial and commercial effluent discharges do not present problems at this time, problems have occurred with discharges at the City's sewage treatment plant. In this regard, discharges of sludge into the Mohawk River have occurred, necessitating corrective actions. The City is addressing this problem through various improvements to the plant, and is also considering use of a sludge composting facility as a long term solution.

POLICY 13 **POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING WATER BODY CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

Pursuant to the federal Clean Water Act, the State has classified waterways 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.

Water quality ratings of "C" have been established by the New York State Department of Environmental Conservation for those portions of the following streams which flow through the City's waterfront area: Mohawk River; North Chuctanunda Creek; South Chuctanunda Creek; Dove Creek; Degraff Creek; and un-named Mohawk Tributaries 66, 67, 68, and 72. A "C" rating indicates that the stream is suitable for fishing and fish propagation.

The present water quality classifications for these streams are consistent with the proposed land and water uses described in this Local Waterfront Revitalization Program. Conversely, the uses proposed for the waterfront area are consistent with the provisions of the water quality ratings.

POLICY 14 **BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF, COMBINED SEWER OVERFLOWS, AND THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS, AND ERODED SOILS INTO STATE WATERWAYS.**

Non-point source pollution is pollution which enters waterways from diffuse sources. It is caused by rainfall or snowmelt which carries pollutants into waterways from a number of ground sources, such as streets, parking lots, and agricultural fields. Best management practices to be utilized to minimize non-point source pollution include the following:

1. Retain as much of the natural vegetation as possible and avoid mass clearing of sites to be developed.
2. Utilize grading methods which impede vertical runoff and provide maximum runoff infiltration capacity.
3. Locate large graded areas on the most level portion of the site and avoid the development of steep vegetated slopes.
4. Conduct grading and clearance activities outside of floodplains.
5. Utilize porous pavements in the construction of parking areas.
6. Protect inlets to storm sewers by suitable filtering devices during construction.
7. Runoff from parking lots, fueling areas, and large building sites should be collected and detained in sediment basins, oil and grease filtering catch basins, or retention areas to trap pollutants which would otherwise be transported from the site.

In addition to the above-cited practices, the City will evaluate the effectiveness of its storm sewer system and make improvements, where possible, aimed at collecting and detaining sediments in filtering catch basins, retention areas, etc.

POLICY 15 THE STATE WATERFRONT REVITALIZATION POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO THE CITY OF AMSTERDAM.

POLICY 16 DISCHARGE OF WASTE MATERIALS INTO STATE WATERS FROM VESSELS SUBJECT TO STATE JURISDICTION WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS, AND WATER SUPPLIES.

The discharge of sewage, garbage, and other wastes from boats can adversely effect water quality and is regulated by State law. In order to minimize such discharges, marinas shall be required to provide sewage pump-out facilities. Such facilities shall be available to all boaters, regardless of whether they are patrons of the marina. In addition, marinas shall also provide rest rooms to further discourage the overboard discharge of sewage from boats.

POLICY 17 EXCAVATION, DREDGING, AND DREDGE SPOIL DISPOSAL WILL BE UNDERTAKEN IN A MANNER WHICH PROTECTS FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LAND, AND WETLANDS, AND DOES NOT CAUSE AN INCREASE IN THE EROSION OF SUCH LAND.

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 resources. Often, these adverse affects 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 affects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to the Environmental Conservation Law (Articles 15, 24, 25, and 34).

New York State undertakes periodic dredging to maintain the navigation channel of the Mohawk River/Erie Canal. This type of dredging is relatively infrequent within Amsterdam, occurring no more than every five years or so.

The future siting of marina facilities within the City may also necessitate dredging. In this regard, such facilities shall be located in areas where minimal maintenance dredging will be necessary. In addition, dredging which would impact identified wetlands should be avoided so as not to degrade these sensitive environmental resources.

POLICY 18 PRESERVE AND PROTECT WETLANDS AND THE BENEFITS DERIVED FROM THESE RESOURCES.

Wetlands provide numerous benefits, including, but not limited to, the following: habitat for fish and wildlife; erosion and flood control; natural pollution treatment; groundwater protection; and aesthetic open space. As such, their protection is critical and regulated through the State's Freshwater Wetlands Act and Protection of Waters Act. This policy is applicable to the four (4) wetlands identified by the New York State Department of Environmental

Conservation, located within and adjacent to the Mohawk River channel and more fully described in Section II. J. of the Inventory and Analysis. Actions proposed within 100 ft. of such wetlands shall first be reviewed to examine potential impacts and designed in a manner which avoids their degradation.

SECTION IV
PROPOSED LAND AND WATER USES
AND
PROPOSED PROJECTS

Proposed long-term land and water uses for the waterfront area are described in this section, as well as specific short-term projects. Proposed land uses are presented for each waterfront sub-area. See Map 8 which displays proposed land uses and Map 9 for project locations.

A. Proposed Land Uses

1. West End

Proposed uses largely reflect a continuation of existing development to the north of Main Street and the East-West Arterial. In this regard, single and two-family residential uses are proposed along Guy Park Avenue, Division Street, and the numerous cross streets, while retail commercial, office, and light industrial uses are proposed along Main Street. To the south of Main Street and the East-West Arterial along the immediate shoreline, public access and recreational improvements are proposed. The Guy Park State Historic Site and Lock No. 11 facility serve as key features of the City's waterfront and the development of a boat launch ramp at this site is proposed, which would enhance waterfront recreational opportunities and strengthen the site as an activity center. Also proposed within this area is development of a shoreline bicycle and walking trail which would extend along the narrow open space shoreline from the Guy Park State Historic Site eastward to a proposed waterfront park adjacent to the Downtown.

2. Downtown

To the north of the Conrail railroad, proposed land uses represent a continuation of existing development patterns. In this respect, retail commercial and office uses are proposed for the central business district, while a mix of residential and commercial uses are proposed for those blocks surrounding the business district. Of particular concern in this area is the renovation and re-use of the old rail and freight terminal building along Front Street to a commercial or institutional use which serves as a waterfront activity center. To the south of the Conrail railroad, the under-utilized open space shoreline area is to be developed for recreational uses. A waterfront park is proposed for the area adjacent to the business district and below the Route 30 bridge. The park would be utilized for picnicking and other open space recreational uses. Docks for transient recreational boaters may also be incorporated into this park. In addition, a shoreline trail extending from this park to the Guy Park State Historic Site is also proposed.

As described in the Inventory and Analysis, improved access to the Downtown shoreline is critical. Both the Conrail railroad and the arterial represent significant barriers to use of the waterfront which necessitate development of improved access through pedestrian overpasses and railroad crossing improvements.

3. East End

The proposed uses within this area reflect a continuation of existing development patterns to the north of the Conrail railroad. A mix of residential and commercial uses is proposed along the Main Street corridor, while single and two-family residential uses are proposed along the numerous cross streets from John Street to Sweeney Street. The extreme eastern portion of this area is proposed for light industrial uses. The rehabilitation, re-use, and selective demolition of old industrial structures within this area is also proposed.

The shoreline area to the south of the Conrail railroad is generally unsuitable for development because of its narrow width and flood-prone nature. As such, the proposed use for this area is as open space or for passive recreational use.

4. South Side

A continuation of the overall land use pattern is proposed for the Port Jackson neighborhood. Single and two-family residences are proposed for that portion of the area to the south of Center Street, while retail commercial uses are proposed for the area at the intersection of Center and Bridge Streets. That portion of Port Jackson between the Mohawk River shoreline and Center Street is proposed for a continuation of commercial and light industrial uses. Of particular concern is the renovation and re-use of the Chalmer's Mill, a vacant industrial facility comprised of four individual structures which dominates the waterfront in this area (see chapter C. Proposed Projects for a more detailed description).

The preservation of its historic character is a key proposal for Port Jackson. The rehabilitation of existing structures should be done in a manner which preserves their historic significance. In addition, new construction and public improvement activities should blend in and enhance the area's historic character and not detract from it.

The development of a marina or dock facility for recreational boating is proposed for the shoreline area either to the west or east of Port Jackson. The siting of such a facility should be done in a manner which does not adversely impact the designated wetlands located within the Mohawk in the eastern portion of the area. In addition, any marina development should include adequate pump-out facilities. Apart from a boating facility, the remainder of the South Side shoreline area to the west and east of Port Jackson is proposed for open space uses due to the flood-prone nature of this area. The Mohawk Trailway is an ideal use in this area, and its completion is supported.

The remaining upland portion of the South Side is largely proposed for residential uses, although commercial and light industrial uses are proposed along Route 5S.

B. Proposed Water Uses

The primary water use shall be recreational boating. Although a small amount of commercial shipping passes through the City along the Mohawk River/Erie Canal, the vast percentage of boating now consists of recreational craft. It is anticipated that recreational boat traffic will increase in the future. As described in previous chapters, a key component of the City's waterfront revitalization strategy is to take advantage of the recreational tourism potential of the Erie Canal. To this end, it is proposed that a boat launch be constructed adjacent to Lock No.11, that docks be incorporated into the design of a Downtown waterfront park, and that a marina be developed along the South Side shoreline. The first two projects are aimed at serving transient boaters passing through the City, as well as local boaters. These facilities are to be oriented for short-term docking. The larger boating facility proposed along the South Side shoreline would be designed for more long-term docking. Such a facility would include pump-out facilities and rest rooms, as well as other services. Its design would be done in a manner which minimizes adverse impacts on natural resources.

C. Proposed Projects

1. Downtown Waterfront Park

The project involves the development of a waterfront park by the City on an approximately 10 acre tract in the area below the Route 30 bridge adjacent to the Downtown. The site is presently unimproved open space owned by New York State as right-of-way land for the Erie Canal. The park would be used for picnicking and other recreational uses aimed at establishing it as a major waterfront activity center. A shoreline trail extending from the park to Guy Park Manor may also be included in the design, as well as docks for transient boaters.

The provision of improved access between this park and the Downtown will also be addressed in the design of this project due to the presence of the East-West Arterial and Conrail railroad, which act as barriers to shoreline access. Access improvements will include upgrading the winding dirt road which connects the site with Front Street, as well as signal improvements at the Conrail crossing. Due to the size of the tract and the presence of the Conrail railroad, vehicular traffic in the park will be limited. Pedestrian access may be improved through the construction of bridges which would link the site with the Downtown.

Conceptual design of the park, including the preparation of cost estimates, is anticipated to be undertaken during 1992. Permits for development of the park must also be obtained from New York State and Conrail prior to construction.

2. Chalmers Mill Redevelopment

The project involves the renovation and reuse of the Chalmers Mill, a vacant privately-owned former knitting facility located at Bridge Street and Gilliland Avenue in the Port Jackson neighborhood with direct frontage on the Mohawk River. The Chalmers Mill is comprised of four individual structures totalling 260,000 sq.ft. and represents the largest and most dominant waterfront building. The City places a high priority on redeveloping this facility into a multi-use complex which would include residential, commercial, and office units.

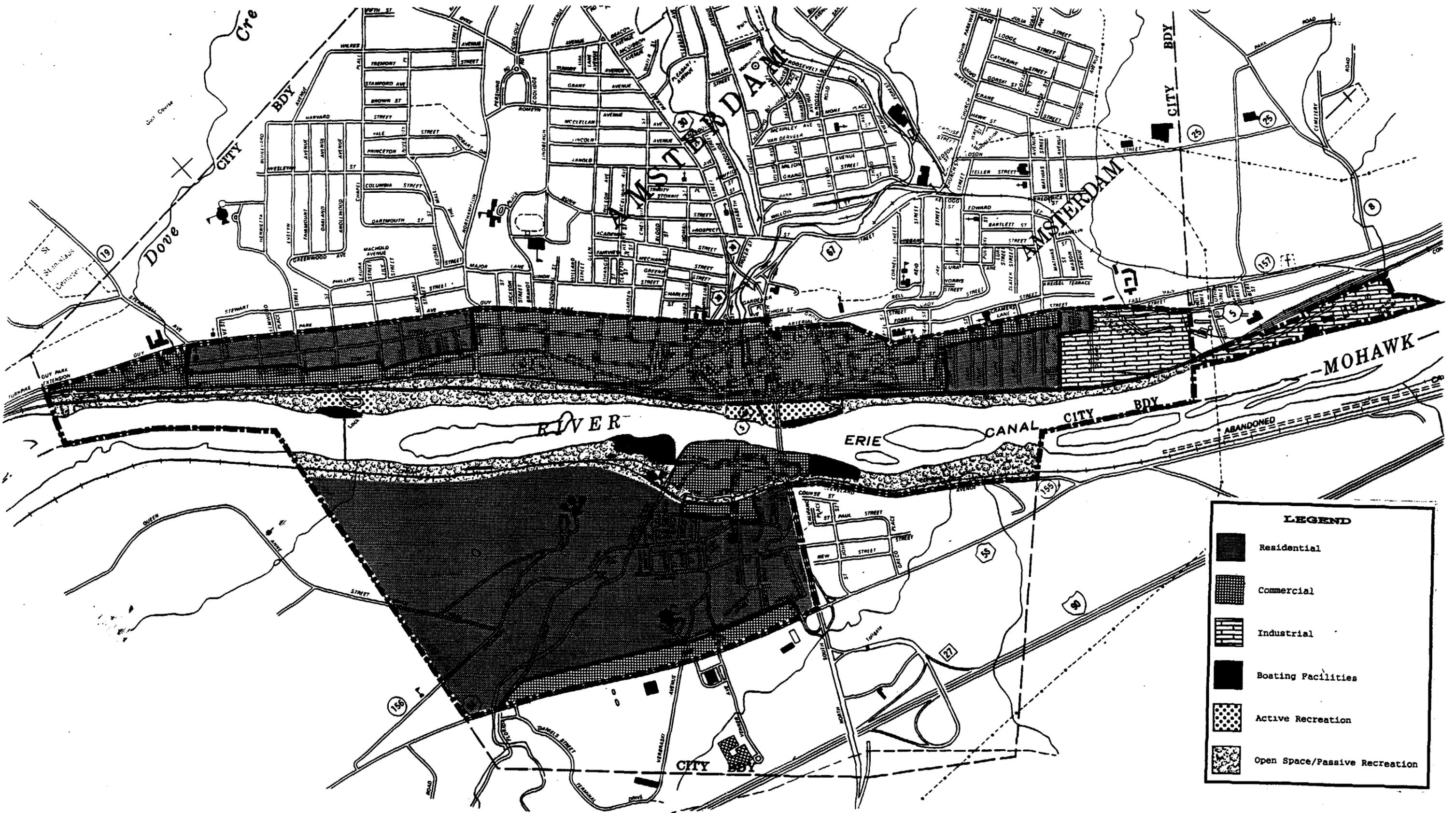
A detailed re-use feasibility study for this facility is presently being prepared under the auspices of the Montgomery County Economic Development Corporation. The study is being financed with a \$40,000 grant from the New York State Urban Development Corporation and \$10,000 from the owners of the property. Completion of this study is anticipated during 1992.

Preliminary estimates indicate that renovation costs would be about \$7.5 million, and that 60,000 sq.ft. of floor area would need to be demolished.

3. West End Boat Launch

The project consists of the construction of a public boat launch ramp by the City on State-owned land to the immediate west of Lock No.11 in the West End. In addition, floating docks would be installed, an adjacent picnic area would be developed, and roadway and parking lot improvements undertaken. The project will also necessitate signal improvements along the access road leading into the Lock 11/Guy Park State Historic Site complex from Main Street for the Conrail railroad crossing.

The 1987 estimated cost of this project, exclusive of the railroad crossing improvements, was \$50,000.



LEGEND

| | |
|--|-------------------------------|
| | Residential |
| | Commercial |
| | Industrial |
| | Boating Facilities |
| | Active Recreation |
| | Open Space/Passive Recreation |

CITY OF AMSTERDAM
Local Waterfront Revitalization Program
MAP 8 - Proposed Land Uses

N

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

August 1991

Scale: 1" = 1200'

SECTION V
TECHNIQUES FOR LOCAL IMPLEMENTATION
OF THE PROGRAM

A. LOCAL LAWS NECESSARY TO IMPLEMENT THE LWRP

1. Zoning Law

The City recently enacted a new zoning law which will assist in the implementation of virtually all of the waterfront policies. In addition to establishing use districts and area-bulk regulations, the new zoning law incorporates several provisions, such as site plan review, flood protection, and historic preservation, which commonly exist as separate ordinances or local laws. The result is a streamlined comprehensive law to guide and regulate development.

Key provisions of the Zoning Law which serve to implement the policies and purposes of the Local Waterfront Revitalization Program include the following:

- Waterfront District - This zoning district is located along the Mohawk River shoreline area (see Map 7). Permitted uses include parks, gardening, cultural facilities, rail facilities, marinas, boat docks, boat launch ramps, and boat storage. The limited range of uses permitted in this district discourages the siting of intensive, non-water-related uses, while encouraging water-related and recreational uses.
- Floodway District - This district prohibits all but open space uses, and serves to prevent the siting of structures within floodways.
- Floodway Fringe Overlay District - This overlay district requires that development to be located within flooding fringe areas be constructed in a manner which would minimize potential flood damage.
- Historic Resources Overlay District - This overlay district requires that development to be located within historically significant areas be undertaken in a manner which takes into account the historic or architectural value of the structure and its relationship to the historic value of the surrounding area.
- Site Plan Review - Site plan review by the City's Planning Board is required for all development, except parks, within the Waterfront District. Site plan review is undertaken to assure that development is well designed and incorporates adequate drainage, parking, landscaping, traffic access, compatibility with the existing neighborhood, etc.

2. LWRP Consistency Law

The LWRP Consistency Law requires that actions which are directly undertaken, funded, or permitted by the City be consistent with the provisions of the LWRP, and will serve to implement all of the waterfront policies. The text of this local law is set forth in Appendix A.

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

In addition to administering the above-cited local laws, the City and other governmental entities, as well as the private sector, will need to undertake various actions to implement the provisions of this LWRP. The following describes some of the key actions:

1. City

- a. **Downtown Waterfront Park** - the City will oversee the design and eventual construction of this park and its access connections to the Downtown. As part of this, and virtually any shoreline projects which the City initiates, the City must also obtain the necessary leases or permits from New York State or Conrail.
- b. **West End Boat Launch** - the City will oversee the design and construction of this public facility, which is being funded in part through a grant from New York State.
- c. **Industrial and Neighborhood Revitalization** - the City will need to initiate re-use feasibility studies for selected industrial structures which are vacant and deteriorated. In addition, the City will seek assistance from the federal and State government for community development activities aimed at revitalizing deteriorating neighborhoods.

2. **Montgomery County Economic Development Corporation** - the Corporation will oversee completion of the Chalmers Mill re-use feasibility study, which is being funded, in part, through a \$40,000 grant from the New York State Urban Development Corporation. It will be necessary for the Corporation, or other economic development agencies, to initiate similar feasibility and marketing efforts for other redevelopment projects aimed at vacant, under-utilized, or deteriorated industrial structures.

3. New York State

Canal Lands - a key component of this Local Waterfront Revitalization Program involves the use of lands adjacent to the Mohawk River/Erie Canal for a variety of water-related uses, such as parks, trails, and boating facilities. As such, the leasing of selected waterfront parcels by the State to the City or private-sector developers will be necessary for the construction of such facilities.

East End Boat Launch - maintenance and repair of the State-owned boat launch ramp located in the East End adjacent to the City's sewage treatment plant is necessary.

4. Private Actions

a. Conrail - the assistance of Conrail is needed in facilitating access by pedestrians to the shoreline. The development of public access improvements, such as parks, is severely constrained along the northern Mohawk shoreline by the lack of adequate rail crossings.

b. Boating facility - the development of a boating facility, such as a marina, along the South Side shoreline by the private sector is a key component in the City's waterfront revitalization strategy. The development of support businesses related to a marina, such as supply stores and lodging, is also needed.

c. Redevelopment of Industrial Facilities - private sector involvement is also needed for the re-use and redevelopment of the numerous vacant and under-utilized industrial structures located within the waterfront area. While the public sector can assist in this effort through the provision of economic incentives, the actual redevelopment of these structures must be undertaken by the private sector.

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

The City formed the Waterfront Development Committee to oversee preparation of the Local Waterfront Revitalization Program. In addition, the Committee serves to review proposed actions within the waterfront area to assure their consistency with the LWRP. In this regard, prior to undertaking, approving, permitting, or funding a Type I or Unlisted Action, as defined by the State Environmental Quality Review Act, City

agencies, including the Planning Board, shall determine that the action is consistent with the provisions of the LWRP. In making their determination of consistency, City agencies shall first obtain the recommendation of the Waterfront Development Committee. In the event that the agency undertaking the action disagrees with the recommendation of the Committee, the Common Council shall render a consistency determination. See also Appendix A for the text of the LWRP Consistency Law which more fully sets forth the local review process.

With respect to proposed State actions within the waterfront, such actions will be reviewed in accordance with guidelines established by the New York State Department of State, and set forth in Appendix B.

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

The implementation of the projects set forth in this Local Waterfront Revitalization Program will require an undetermined amount of public funds, as follows:

- City - An obligation of City funds may be necessary for construction of a municipal waterfront park, although the City may seek outside grant funds for this project. A cost estimate is to be determined as part of the park design project, to be completed within 1992.
- State - Continued funding of the Mohawk Trail is needed for its completion. In addition, continued operation and upgrading of the Erie Canal is essential toward developing recreational boating and tourism opportunities.
- Conrail - Funding is needed for access improvements, such as pedestrian overpasses and traffic signal improvements, as part of Conrail's Service Enhancement Program.

SECTION VI

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

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

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

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

A. STATE PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LWRP

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

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

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

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

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

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.

- 2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

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

ENERGY PLANNING BOARD AND ENERGY OFFICE

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

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

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits

- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

Regulatory Affairs

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

Solid Wastes

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

Water Resources

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

9.66 401 Water Quality Certification

- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

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

DEPARTMENT OF HEALTH

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

- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
 - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
 - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
 - 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.

- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs

- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

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

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

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

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF SOCIAL SERVICES

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

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:

- 4.01 Billiard Room License
- 4.02 Cemetery Operator
- 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DIVISION OF SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Approval (Substance Abuse Services Program)

THRUWAY AUTHORITY/CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION

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

3.04 Permits for use of Canal System lands and waters

4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

B. STATE PROGRAMS NECESSARY TO FURTHER THE LWRP

1. Department of Environmental Conservation

Assistance from the Department of Environmental Conservation is needed for improvements to the East End boat launch ramp.

2. Department of State

Funds for LWRP implementation are needed which could be used for various design or pre-construction projects.

3. Department of Economic Development/Urban Development Corporation

Assistance is needed for the preparation of economic feasibility studies for the re-use of various deteriorated industrial structures, as well as for the siting of boating facilities.

4. Thruway Authority/Canal Corporation/Canal Recreationway Commission

Approval for the leasing of open space shoreline lands for use as public parks, especially in the area adjacent to the Downtown, is necessary. Disposition of State-owned lands through long-term leases may also be necessary for the siting of boating facilities along the South Side shoreline.

The provision of funds previously allocated to the City for construction of a public boat launch facility adjacent to the Guy Park State Historic Site in the West End is also needed.

5. Office of General Services

Prior to any development occurring in the water or on the immediate waterfront, OGS will be contacted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy such lands.

6. Office of Parks, Recreation and Historic Preservation

The City intends to apply for funding under programs such as the Land and Water Conservation Fund for the development of the Downtown waterfront park.

SECTION VII

LOCAL COMMITMENT AND CONSULTATION

Local Commitment

The City established the Waterfront Development Committee during 1989 to initiate and oversee preparation of a Local Waterfront Revitalization Program. Committee membership reflects a range of interests and experience, including historic preservation, recreational boating, economic development, and the local business community. In addition, representatives from the City's Planning Board and Urban Renewal Agency also serve on the Committee.

With respect to preparation of the draft Local Waterfront Revitalization Program, the Committee met on a regular basis with staff of the New York State Department of State to address and refine waterfront issues and future development. In addition, the Committee undertook a public opinion survey regarding local waterfront priorities and issues, as well as a public information meeting.

The City also commissioned the Rensselaer Polytechnic Institute to prepare conceptual designs for development of a waterfront park adjacent to the Downtown. Funding for this project was provided by the City through the Montgomery County Chamber of Commerce.

Consultation

The Waterfront Development Committee regularly invited participation in the development of the LWRP from other City agencies. Representation from the City's Planning Board and Urban Renewal Agency was also reflected in the Committee membership.

In addition, the Draft LWRP (with Draft Environmental Impact Statement) was reviewed and approved by the Common Council and forwarded to the New York State Department of State. The Department of State then initiated a 60 day review of the Draft LWRP pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act. Copies of the Draft LWRP were distributed to all potentially affected State agencies, Montgomery County, and adjacent waterfront communities (Village of Fort Johnson, Town of Amsterdam, and Town of Florida). Comments received on the Draft LWRP were reviewed by the City and the Department of State, and changes made to the LWRP, which are detailed in the Final Environmental Impact Statement.

REFERENCES

1. Delaware Department of Natural Resources, "Marina Regulations, State of Delaware", 1990.
2. Finch, Roy G., State Engineer and Surveyor, "The Story of the New York State Canal, Historical and Cultural Information", 1925.
3. New York State Barge Canal Planning and Development Board, "Development of Tourism and Economic Potential on New York's Canals", February 1989.
4. New York State Department of Environmental Conservation, "Distribution and Relative Abundance of Fish in the Lower Mohawk River", January 1985.
5. New York State Dept. of Transportation, "1989 Traffic Report - New York State Canals Since 1825".
6. Thompson, John, "Geography of New York State", 1977.
7. U.S. Dept. of the Interior, "National Register of Historic Places - Nomination Forms for Guy Park Manor and Samuel Sweet Canal Store".

Appendix A

Waterfront Consistency Law

CITY OF AMSTERDAM

Local Law No. 6 of the year of 1992

Be it enacted by the Common Council of the City of Amsterdam as follows:

GENERAL PROVISIONS

I. Title

This local law will be known as the City of Amsterdam Waterfront Consistency Law.

II. Authority and Purpose

1. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this local law is to provide a framework for agencies of the City of Amsterdam to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the waterfront area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the City of Amsterdam that the preservation, enhancement and utilization of the natural and manmade resources of the unique waterfront area of the City take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: loss of fish and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
4. The substantive provisions of this local law shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III.

Definitions

1. "Actions" means either Type I or unlisted actions as defined in SEQRA regulations (6N.Y.C.R.R.617.2) which are undertaken by an agency and which include:
 - (a) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies
 - (b) agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
 - (c) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
 - (d) any combinations of the above.
2. "Agency" means any board, agency, department, office, other body, or officer of the City of Amsterdam.
3. "Waterfront area" means the Waterfront Revitalization Area delineated in the City's Local Waterfront Revitalization Program.
4. "Waterfront Assessment Form (WAF)" means the form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.
5. "Consistent" means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.
6. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule making, procedure making and policy making.
7. "Local Waterfront Revitalization Program (LWRP)" means the Local

Waterfront Revitalization Program of the City of Amsterdam, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Amsterdam.

IV. Review of Actions

- 1. Whenever a proposed action is located in the City's waterfront area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 9 herein.**
- 2. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the applicant, or in the case of a direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.**
- 3. The agency shall refer a copy of the completed WAF to the Waterfront Development Committee within ten (10) days of its submission and prior to making its determination, shall consider the recommendation of the Waterfront Development Committee with reference to the consistency of the proposed action.**
- 4. After referral from an agency, the Waterfront Development Committee shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 9 herein. The Waterfront Development Committee shall require the applicant to submit all completed applications, WAFs and any other information deemed to be necessary to its consistency recommendation.**
- 5. The Waterfront Development Committee shall render a written recommendation to the agency within thirty (30) days following referral of the WAF from the agency, unless extended by mutual agreement of the Committee and the applicant or in the case of a direct action, the agency. The recommendation shall indicate whether, in the opinion of the Waterfront Development Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for the opinion. The Waterfront Development Committee shall, along with the consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions or to greater advance them.**

In the event that the Waterfront Development Committee's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Committee's recommendation.

6. If the agency and the Committee concur in the consistency of the proposed action, the agency may proceed with the action. In the event that the agency, after reviewing the written recommendation of the Committee, finds that it disagrees with the consistency recommendation of the Committee, the agency shall within fifteen (15) days prepare a written finding detailing its position and transmit it to the Committee. The Committee and the agency shall meet to resolve their differences within fifteen (15) days of the Committee's receipt of the agency's finding.
7. If the Committee and the agency cannot reach a mutually agreeable determination of consistency, the matter will be referred to the City Common Council for a finding of consistency. The agency shall take no action until the Common Council has made a determination and finding of consistency with the LWRP.
8. The provisions of IV (7) shall not apply to the Zoning Board of Appeals. Instead, where the Zoning Board of Appeals is the agency, the Zoning Board of Appeals shall consider the written consistency recommendation of the Committee when reviewing and considering an application for a variance.
9. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the City of Amsterdam LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
 - (a) Revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other comparable uses.
 - (b) Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
 - (c) Strengthen small harbors by maintaining the mix of traditional uses, assuring safe navigation and resolving use conflicts and competition through harbor and water surface use management.

- (d) Encourage the location of development in areas where public services and facilities essential to such development are adequate.
- (e) Significant fish and wildlife habitats will be protected, preserved, and, where practical, restored to maintain their viability as habitats.
- (f) In order to minimize damage to natural resources and property from flooding and erosion, development will be sited away from hazard areas wherever practical, and natural flooding and erosion protective features will not be degraded.
- (g) Erosion protection structures shall be constructed only if they are necessary to protect human life, existing development, or new water-dependent development and will result in no measurable increase in erosion or flooding at other locations. Non-structural measures shall be used whenever possible. Public funds shall only be used where the public benefits outweigh the long term costs.
- (h) Maximize public access and recreational opportunities to the shoreline and to waterways.
- (i) Protect, enhance and restore structures, districts, and sites that are of significance to the history, architecture, archeology or culture of the state, its communities, or the nation.
- (j) Protect and improve the visual quality of the waterfront.
- (k) Municipal, industrial, and commercial discharge of effluent and pollutants, including, but not limited to, toxic and hazardous substances, into water bodies will conform to state and national water quality standards.
- (l) Policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing water body classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
- (m) Best management practices will be used to ensure the control of stormwater runoff, combined sewer overflows, and the non-point discharge of excess nutrients, organics, and eroded soils into state waterways.
- (n) Discharge of waste materials into state waters from vessels subject to

state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas, and water supplies.

- (o) Excavation, dredging, and dredge spoil disposal will be undertaken in a manner which protects fish and wildlife habitats, scenic resources, natural protective features, important agricultural land, and wetlands, and does not cause an increase in the erosion of such land.
 - (p) Preserve and protect wetlands and the benefits derived from these resources.
10. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the determining agency makes a written finding with respect to the proposed action that:
- (a) no reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
 - (b) the action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
 - (c) the action will advance one or more of the other LWRP policy standards and conditions; and
 - (d) the action will result in an over-riding city, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

11. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Waterfront Development Committee. Such files shall be made available for public inspection upon request.

V. Enforcement

The City Building Inspector shall be responsible for enforcing this Chapter. No work or activity on a project in the waterfront area which is subject to review under this Chapter shall be commenced or undertaken until the Building Inspector has been

presented with a written determination from an agency that the action is consistent with the City's LWRP policy standards and conditions.

In the event that an activity is not being performed in accordance with this Chapter or any conditions imposed thereunder, the Building Inspector shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

VI. Violations

1. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this Chapter shall have committed a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
2. The City Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

VII. Severability

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

VIII. Effective Date

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

CITY OF AMSTERDAM

WATERFRONT ASSESSMENT FORM (WAF)

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants or, in the case of direct actions, City agencies, shall complete this WAF for proposed actions which are subject to the LWRP consistency review law. This assessment is intended to supplement other information used by a City agency in making a determination of consistency with the City's Local Waterfront Revitalization Program.

2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the City Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.

3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of City agency action (check appropriate response):

(a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____

(b) Financial assistance (e.g. grant, loan, subsidy) _____

(c) Permit, approval, license, certification _____

(d) Agency undertaking action: _____

2. Describe nature and extent of action:

3. Location of action

Street or Site Description

4. Size of site _____
5. Present land use _____
6. Present zoning classification _____
7. Describe any unique or unusual land forms on the project site (i.e. bluffs, ground depressions, other geological formations):

8. Percentage of site which contains slopes of 15% or greater: _____
9. Streams, lakes, ponds or wetlands existing within or continuous to the project area?
 (1) Name _____
 (2) Size (in acres) _____
10. If an application for the proposed action has been filed with the City agency, the following information shall be provided:
 (a) Name of applicant: _____
 (b) Mailing address: _____
 (c) Telephone number: Area Code () _____
 (d) Application number, if any: _____
11. Will the action be directly undertaken, require funding, or approval by a State or federal agency?
 Yes ___ No ___ If yes, which State or federal agency? _____

C. WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

- | 1. Will the proposed action have a <u>significant effect</u> upon: | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| (a) Commercial or recreational use of fish and wildlife resources? | ___ | ___ |
| (b) Scenic quality of the waterfront environment? | ___ | ___ |
| (c) Development of future, or existing water dependent uses? | ___ | ___ |
| (d) Stability of the shoreline? | ___ | ___ |
| (e) Surface or groundwater quality? | ___ | ___ |
| (f) Existing or potential public recreation opportunities? | ___ | ___ |
| (g) Structures, sites or districts of historic, archeological or cultural significance to the City, State or nation | ___ | ___ |

2. Will the proposed action involve or result in any of the following: YES NO
- (a) Physical alteration of land along the shoreline, land under water or coastal waters?
 - (b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?
 - (c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront area?
 - (d) Energy facility not subject to Article VII or VIII of the Public Service Law?
 - (e) Mining, excavation, filling or dredging?
 - (f) Reduction of existing or potential public access to or along the shore?
 - (g) Sale or change in use of publicly-owned lands located on the shoreline or under water?
 - (h) Development within designated flood hazard area?
 - (i) Development on a natural feature that provides protection against flooding or erosion?
 - (j) Diminished surface or groundwater quality?
 - (k) Removal of ground cover from the site?

3. Project YES NO
- (a) If project is to be located adjacent to shore:
 - (1) Will water-related recreation be provided?
 - (2) Will public access to the shoreline be provided?
 - (3) Does the project require a waterfront site?
 - (4) Will it supplant a recreational or maritime use?
 - (5) Do essential public services and facilities presently exist at or near the site?
 - (6) Is it located in a flood prone area?
 - (7) Is it located in an area of high erosion?
 - (b) If the project site is publicly owned:
 - (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?
 - (2) If located in the foreshore, will access to those and adjacent lands be provided?
 - (3) Will it involve the siting and construction of major energy facilities?
 - (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into a waterway?
 - (c) Is the project site presently used by the community as an open space or recreation area?
 - (d) Does the present site offer or include scenic views or vistas known to be important to the community?
 - (e) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?
 - (f) Will the project involve any waste discharges?
 - (g) Does the project involve surface or subsurface liquid waste disposal?
 - (h) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous material?
 - (i) Does the project involve shipment or storage of petroleum products?
 - (j) Does the project involve discharge of toxics, hazardous substances or other pollutants?
 - (k) Will the project affect any area designated as a freshwater wetland?

YES NO

- (l) Will the project alter drainage flow, patterns or surface water runoff on or from the site?
- (m) Will best management practices be utilized to control storm water runoff into waterways?
- (n) Will the project cause emissions which exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates?

D. REMARKS OR ADDITIONAL INFORMATION. (Add any additional sheets necessary to complete this form.)

If assistance or further information is needed to complete this form, please contact

City Clerk at (518) 841-4337

Preparer's Name: _____ Telephone Number: () _____

Title: _____ Agency: _____ Date: _____

Appendix B

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

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

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.

- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.

- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

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

III. NOTIFICATION PROCEDURE

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

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with

whatever additional information is available which will assist the situs local government to evaluate the proposed action.

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

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

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