

City of Beacon Local Waterfront Revitalization Program

Adopted:

City of Beacon City Council, October 21, 1991

Approved:

NYS Secretary of State, Gail S. Shaffer, April 29, 1992

Concurred:

U.S. Office of Ocean and Coastal Resource Management, August 19, 1992

Amended LWRP

Adopted:

City of Beacon City Council, March 7, 2011

Approved:

NYS Secretary of State, Cesar A. Perales, December 12, 2011

Concurred:

U.S. Office of Ocean and Coastal Resource Management, April 5, 2012

This Local Waterfront Revitalization Program (LWRP) has been prepared and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing Regulations (19 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a routine program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (p.L. 92-583), as amended, and its implementing regulations (15 CFR 923). The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. [Federal Grant No. NA-82-AA-D-CZ068.] The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, Albany, New York 12231-0001.



RESOLUTION NO. 25 OF 2011

**CITY COUNCIL
BEACON, NEW YORK**

**ADOPTION OF AMENDMENTS TO LOCAL
WATERFRONT REVITALIZATION PROGRAM (LWRP)
INCLUDING NEW HARBOR MANAGEMENT PLAN (HMP)**

WHEREAS, the City of Beacon initiated the preparation of amendments to its Local Waterfront Revitalization Program which include the incorporation of a new Harbor Management Plan, and the preparation of a local law to amend Chapter 33, Harbor Management, of the City Code (the "Proposed Action") in cooperation with the New York State (NYS) Department of State, pursuant to Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways, of the NYS Executive Law; and

WHEREAS, a Full Environmental Assessment Form (FEAF) has been prepared which analyzes the Proposed Action in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

WHEREAS, the proposed amendments to the LWRP including the proposed HMP, and the above mentioned local law were circulated by the Department of State to appropriate local, County, State and Federal agencies in accordance with the requirements of Article 42 of the NYS Executive Law; and

WHEREAS, after giving due consideration to the Full Environmental Assessment Form, the Beacon City Council thereafter adopted a Negative Declaration regarding the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED, that the Beacon City Council hereby adopts the proposed amendments to the LWRP (attached hereto), including the adoption of the Harbor Management Plan dated October 2010; and

BE IT FURTHER RESOLVED, that the Beacon City Council hereby directs the transmission of the adopted LWRP, including the adopted HMP, and the above mentioned local law to the NYS Secretary of State for approval pursuant to Article 42 of the NYS Executive Law.

Resolution No. <u>25</u> of 2011			Date: <u>March 7, 2011</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call.			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
	X	Landisi, Jerry	X				
		Kelly, Charles P.	X				
X		Mansfield, George	X				
		Fredericks, Marlene	X				
		Casale, Randy J.	X				
		Pasti, Sara					X
		Mayor Steve K. Gold	X				
		Motion Carried	X				

Resolution Adopted: March 7, 2011
 Beacon, New York



 Mayor Steve K. Gold

3-18-2011

 Dated

Attachment: Amendments to LWRP



STATE OF NEW YORK
DEPARTMENT OF STATE

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

December 15, 2011

Honorable Steve K. Gold
Mayor
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Dear Mayor Gold:

I am pleased to inform you that I have approved the amendment to the City of Beacon Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the City's valuable local waterfront resources, including management of boating and water uses.

I am notifying State agencies that I have approved your Local Waterfront Revitalization Program amendment and advising them that their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

The approved amendment to the Local Waterfront Revitalization Program will be available on the website of the Department of State, at <http://nyswaterfronts.com/LWRP.asp>. If you have any questions, please contact Kevin Millington of the Office of Coastal, Local Government and Community Sustainability at 518-473-2479.

Sincerely,

Cesar A. Perales
Secretary of State



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

APR 5 - 2012

George R. Stafford
Program Manager
State of New York
Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

Received
APR 09 2012
NYS DOS
Coastal Resources

Dear Mr. Stafford:

Thank you for the New York Department of State's February 29, 2012 request to incorporate an amendment to the City of Beacon's Local Waterfront Revitalization Plan (LWRP) into the New York Coastal Management Program (CMP). You requested that changes to the City of Beacon's LWRP described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on March 8, 2012, and OCRM's decision deadline is April 5, 2012.

Based on our review of your submission, we concur that the changes to the City of Beacon's LWRP are RPCs and we approve the incorporation of the changes as non-enforceable policies of the New York CMP. The state must publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

Name/Description of Local Law/Regulation/ Policy/Program Authority or Change	Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:			
Harbor Management Plan (HMP)	Appendix C of LWRP*	12/12/11	12/12/11
MODIFIED:			
Extension of LWRP waterside boundary 1,500 feet from the shoreline into the Hudson River to reflect the addition of the HMP	Section I, p. 2 (map 1) of LWRP*	12/12/11	12/12/11
Inclusion of information to reflect the addition of the HMP	Section I, p. 3, Section II, pp. 2 & 11, Section IV, pp. 6 & 8, and Section V, p. 8 of LWRP*	12/12/11	12/12/11
Minor editorial changes	Section I, p. 1, Section II, p. 1, Section III, p. 1, and Section V, pp. 1 & 2 of LWRP*		

Changes marked with an asterisk (*) are incorporated into the NEW YORK COASTAL MANAGEMENT PROGRAM, but do not contain enforceable policies that can be used for Federal Consistency.



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PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Elisa Chae-Banaja at (301) 325-3674, if you have any questions.

Sincerely,


for Joelle Gore, Acting Chief
Coastal Programs Division

CC:

Steve Ridler, New York State Department of State

Kevin Millington, New York State Department of State

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Executive Summary

Purpose

The purpose of a Local Waterfront Revitalization Program (LWRP) is to promote economic development and revitalization of the City's local waterfront revitalization area while assuring the protection and beneficial use of coastal resources therein.

Authority

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law, Article 42) and the implementing of rules and regulations for the Act (Part 600 NYCRR) authorize the preparation of Local Waterfront Revitalization Programs with financial and technical assistance from the NYS Department of State. Article 42 and Part 600 (NYCRR) also require that all State agency actions proposed in a local waterfront area covered by an approved program be undertaken in a manner consistent, to the maximum extent practicable, with the policies and purposes of such program. In the absence of an approved LWRP, State agency actions in the coastal area must be consistent with the forty-four (44) coastal policies set forth in the New York State Coastal Management Program (CMP). When a LWRP has been approved by the NYS Secretary of State its policies and purposes are substituted for those of the CMP.

Steps

A draft LWRP is prepared following guidelines developed by the NYS Department of State. The draft assesses local waterfront conditions, identifies policies applicable to those conditions, proposes future land and water uses and projects for the local waterfront area and describes local means for implementing such policies, uses and projects. It also identifies State and Federal agencies that would be affected by or would be needed to implement the program; indicates those government agencies and other organizations consulted during preparation of the program, and describes measures taken to assure local commitment to program implementation.

A draft environmental impact statement (EIS) is prepared for the proposed local action of adopting the program:

Next, the draft LWRP is submitted to the NYS Department of State with a resolution from the local governing body authorizing the submission. The Department of State, in turn, prepares a program summary and distributes copies of the summary and the draft LWRP to approximately 70 State and Federal agencies for their review and comment during a 60-day review period. Coincident with this review period, the local governing body provides for public review and comments on both the draft LWRP and draft EIS.

The Department of State then assists the local governing body in preparing a final EIS and a final LWRP which address comments received on the draft EIS and the draft LWRP. When the local governing body

has adopted the final LWRP and has enacted any local regulatory measures needed to implement it, the NYS Secretary of State and the U.S. Office of Ocean and Coastal Resource Management are asked to approve the LWRP.

Upon approval of the LWRP, all State and Federal agencies are required by law to undertake proposed actions in the local waterfront area in a manner that is consistent to the maximum extent practicable with the policies and purposes of the approved LWRP. The local government is similarly obligated by a local law enacted to assure consistency.

Summary of the City of Beacon LWRP

The eight sections of the City of Beacon LWRP are summarized as follows:

SECTION I WATERFRONT REVITALIZATION AREA BOUNDARY. The first section identifies and clarifies both the landward and waterside boundaries of the City's local waterfront revitalization area.

SECTION II INVENTORY AND ANALYSIS. This section inventories and analyzes the City's natural resources (water, land, vegetation, fish and wildlife and scenic resources), community/cultural resources (development, public access and recreation, historic and archeological resources and agricultural resources), existing land and water uses and important economic activities within the waterfront area.

For each category inventoried, the analysis portion discusses problems, issues and/or opportunities which should be addressed in later sections of the program.

SECTION III WATERFRONT REVITALIZATION PROGRAM POLICIES. Section III lists the 44 NYS coastal policies under the headings Development Policies, Fish and Wildlife Policies, Flooding and Erosion Hazard Policies, General Policy, Public Access and Recreation Policies, Scenic Resources Policies, Agricultural Lands Policy, Energy and Ice Management Policies, and Water and Air Resources Policies. Of the 44 State coastal policies listed, 40 are explained as applicable while 4 are identified as not applicable.

Accompanying the State policies are 34 local policies aimed at providing greater specificity and additional coastal management capability. Where appropriate, guidelines are included to assist in applying the State and local policies.

SECTION IV PROPOSED USES AND PROJECTS. Here, proposed future land and water uses are recommended for the City's waterfront area. The proposed land use pattern generally reflects the existing zoning map.

The City has proposed eleven (11) projects that will enhance, encourage, and contribute to the redevelopment of Beacon's waterfront area and the entire City. Projects range from municipal park improvements and coastal public access projects to infrastructure improvements.

- SECTION V TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM. This section describes the local laws and regulations, other public and private actions, management structures and financial resources necessary to implement the LWRP. It also describes additional local laws which were specifically enacted to implement the program, such as amendments to the City's zoning regulations. In addition, the City has enacted a Local Waterfront Revitalization Program Consistency Review Law that will provide a framework for agencies of the City to consider the policies and purposes of the LWRP when reviewing applications for actions or direct agency actions located in the City's waterfront area. In addition, the LWRP Consistency Review Law will assure that such actions and direct actions are consistent with the LWRP policies and purposes.
- Other City implementation measures are identified in this section. They include: means of financing proposed projects, studies and plans; management responsibilities of local officials; and, descriptions of the processes for local and State/Federal consistency reviews.
- SECTION VI FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPLEMENTATION. This section identifies those State and Federal agencies which must act consistently with the local program, once approved, and those whose actions would be needed for the local program's implementation.
- SECTION VII CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES. Section VII simply lists the various agencies or organizations consulted regarding the preparation of LWRPs in general or specifically, regarding the Beacon program.
- SECTION VIII LOCAL COMMITMENT. This section briefly describes the process undertaken to obtain local support for the program and commitment to its implementation.
- Appendix A Fishkill Creek Coastal Fish and Wildlife Habitat
- Appendix B Hudson Highlands Scenic Area of Statewide Significance
- Appendix C City of Beacon Harbor Management Plan

Benefits of an Approved Program

1. The program establishes (through its various policies) means of both protecting and enhancing local coastal resources within the framework of City regulations, projects and other implementation techniques.
2. State and Federal agencies will be required by law to be consistent with the local program's policies and purposes once it has been approved.
3. The New York State Department of State is available to the City to provide technical assistance in developing measures to achieve local coastal objectives.

4. An approved LWRP can help attract public and private investment in waterfront projects since it demonstrates a community's commitment to revitalization and resource protection, and contains conceptual plans for projects which make the development process more predictable and efficient. These plans help to convince funding entities and private developers that the projects are realistic and that money will be well spent and fits into a comprehensive plan that will ultimately protect the investment.

SECTION I - Local Waterfront Revitalization Area Boundary

The City of Beacon's location at the northern "gate" of the Hudson Highlands portion of the Hudson River places it in one of the most scenic areas in the region. Yet, Beacon is also an old "riverfront town" with a heritage of diverse uses and development along its waterfront.

Beacon's Hudson Riverfront is approximately three miles long and extends from just north of the Beacon-Newburgh Bridge to the southern tip of Denning's Point.

The Fishkill Creek, which traverses the City from northeast to southwest, enters the Hudson at the southern border of the City. Here, a marsh has been formed, in the sheltered bay between Denning's Point and the mouth of the creek.

The Metro North railroad tracks parallel the Hudson along the riverfront through most of the City. Immediately east of the tracks the land climbs steeply uphill, before somewhat leveling off near the center of the City. Thus, most of the City is at least 80-100 feet above the river in elevation. Southeast of Beacon, the land rises sharply once more, to the summit of the 1,635 foot high South Beacon Mountain. The hillsides between the river and the relatively level upland areas in the central part of Beacon are an integral part of the City's coastal area.

The boundary of the Waterfront Revitalization Area reflects boundary criteria established by New York State, which are in accord with Federal Coastal Zone Management requirements, yet recognize a variety of state and local concerns. These criteria are described in the Final Environmental Impact Statement and the New York Coastal Management Program document of August 1982.

Coastal Boundary

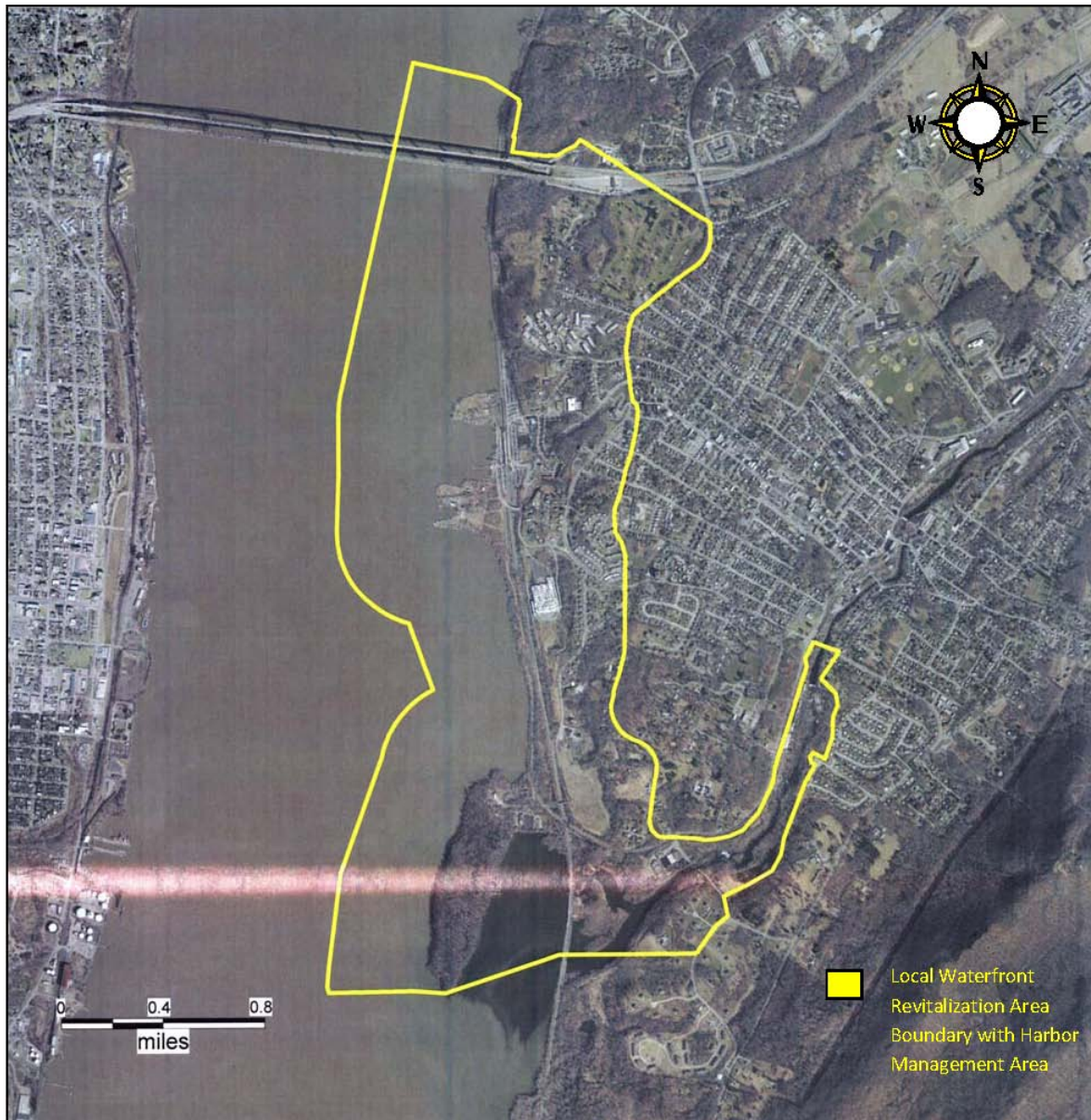
Starting at the northern boundary of the City of Beacon at the Hudson River follow the boundary line with the Town of Fishkill to the intersection with Main Street. Proceed along South Avenue to Tioronda Avenue. At Tioronda and South Avenue intersection, go to the centerline of the Railroad tracks Maintain this centerline while proceeding in a northeasterly direction along the Fishkill Creek corridor to Wolcott Avenue across the bridge and head southwest, following Simmons Lane to the property line of Lot # 6054-13-036494 to the Craig House property. Then follow an imaginary line through the Craig House property at a distance 400 feet from the south shore of the Fishkill Creek. Follow South Avenue south the Grandview Avenue to Route 9D (Howland Avenue) and along Route 9D south to the southerly boundary of the City of Beacon where it meets with the Town of Fishkill. See Local Waterfront Revitalization Area Boundary Map.

The City's coastal area includes the hillsides rising from the Hudson River, thus incorporating this important viewshed. In the southern part of the City, the boundary swings east to encompass the Fishkill Creek, its banks, estuary, marsh and adjacent hillsides.

The portion of Beacon within the waterfront revitalization boundary includes three major interrelated areas:

City of Beacon Local Waterfront Revitalization Program

1. The Hudson Riverfront, including the Riverfront Park, Long Dock (partially used for water dependent industry), the largely vacant Denning's Point peninsula and the remaining narrow shorelines between the railroad and river;
2. The Fishkill Creek and Estuary, including various industrial uses on the western bank of the creek, the marshes at the mouth of the creek, and the potentially developable eastern bank of the creek; and
3. The steep hillsides overlooking both the river and the creek, including numerous historic properties and areas, scenic vistas (viewsheds), and a large amount of potentially developable vacant or underutilized land.



Map 1 - Local Waterfront Revitalization Area Boundary

Harbor Management Area Boundary

Beacon's harbor management area extends from just north of the Newburgh-Beacon Bridge south to the southern tip of Denning's Point which is located within Hudson Highlands State Park and thence up the mouth of Fishkill Creek. The harbor management area extends out into the Hudson River to a distance of 1500 feet. It includes both surface waters and the lands adjacent to the surface waters that can influence what takes place on the surface waters and whose use may be influenced by what takes place on the surface waters. The comprehensive description of the harbor management area is included in Appendix C – City of Beacon Harbor Management Plan (HMP).



Aerial Photography of the City of Beacon Waterfront

SECTION II - Inventory and Analysis

The City of Beacon encompasses an area of approximately five square miles (3,127 acres) and is located on the east bank of the Hudson River in the southern portion of Dutchess County. The Town of Fishkill surrounds the City on three sides, while the Hudson River forms the boundary on the fourth. The Hudson Highlands are immediately south of the City, while the City of Newburgh lies directly across the river.

The City's Waterfront Revitalization Area encompasses nearly one-fourth of the City's total area. Included in the coastal area are all lands west of Route 9D along the Hudson River and Fishkill Creek (south and west of Route 9D). Currently, a large portion of the coastal area is available for potential development (or redevelopment), since approximately 200 acres are vacant or underutilized.

Because of the large amount of potentially developable land in the coastal area (both on the waterfront and inland), planning and development policies for the area are particularly important. The guidelines for the City's future development are provided by the City of Beacon Development Plan, adopted in 1974. In addition, development in the Urban Renewal Area Project #1, located in the central section of the coastal area between the railroad station and central business districts, is guided by the Urban Renewal Plan (revised in 1981). As part of the waterfront revitalization program, these existing plans will be reviewed in light of the coastal policies, as well as community objectives relating to the waterfront (see Section V).

Inventory of Existing Conditions

The initial steps in the planning process entailed a review of existing inventories and plans, and the subsequent updating of basic inventories where pertinent. Existing land use patterns, physical characteristics, historic properties and environmental concerns were analyzed as part of identifying issues, problems and opportunities in the coastal area.

The inventory of the existing conditions within the boundaries of the harbor management area is included in Appendix C- City of Beacon Harbor Management Plan (HMP).

A. Existing Land Use and Development Patterns

The existing land uses in the Waterfront Revitalization Area are largely residential and institutional, with scattered industrial uses near the Hudson River and Fishkill Creek. A large part of the area (approximately 200 acres) is vacant or underutilized land; often consisting of steep hillsides with highly erodible soils. The railroad tracks run along the river for the length of the city, limiting water access to three peninsulas.

The northern end of the City and the coastal area is defined by Interstate 84 and the Newburgh- Beacon Bridge access. Immediately to the south of I-84 is a large lot residential area (lot sizes ranging from approximately 2-15 acres) and the Southern Dutchess Country Club. The relatively level Country Club

area is bordered by houses on the west and south. The land plunges abruptly towards the river behind the houses to the west of the Club.

To the south of the Country Club area are three multi-family apartment developments, including Tompkins Terrace, a 192 unit UDC project, and a private garden apartment complex. While conditions are generally good in these two developments, the third (to the south of the other two) exhibits a haphazard development pattern and fair to poor building conditions. South and east of the multi-family developments is the High Street residential area. This street of picturesque one and two family Victorian homes has been nominated to the National Register of Historic Places. Building conditions range from very good (restored buildings) to fair.

The Urban Renewal Area - Project #1 encompasses most of the land in the central part of the Waterfront Revitalization Area. A map of the 1981 Urban Renewal Area plan shows the projected uses for Project #1. This area includes a mixture of historic churches, new industrial and commercial uses, and both old and new residential buildings amongst approximately 50 acres of vacant, yet to be developed land. The Spy Hill area, an enclave of large Victorian homes, is at the highest elevation of the Urban Renewal Area.

Directly to the west of the Urban Renewal Area are the Beacon Railroad Station, Riverfront Park and the Long Dock peninsula. Riverfront Park provides the City's only public access to the Hudson waterfront. Directly south of the present park is the harbor and former ferry terminal. The planned second phase of the park development, which will include a boat ramp and possible marina facilities, is a major concern for this area. However, at present, recreational use of the water (including boating and fishing) is restricted by the presence of the old ferry piers, which take up much of the harbor.

Directly east of the old ferry terminal is the Railroad Station. The station building was destroyed by fire several years ago; and has been replaced by a new structure.

Long Dock is the large peninsula to the south of the harbor. Uses on Long Dock include two water dependent uses' -- an oil terminal and a small boat club -- in addition to a salvage yard and salt storage area. Much of Long Dock is presently vacant or underutilized.

South of the Urban Renewal Area the Waterfront Revitalization Area boundary swings east to encompass Fishkill Creek and the adjacent hillsides. The land nearest the railroad tracks on the Hudson is low-lying and often marshy. Uses are largely limited to the City's sewage treatment plant and other public works facilities. The largely vacant, wooded Denning's Point peninsula to the west of the railroad tracks was purchased by New York State Office of Parks and Recreation and Historic Preservation (OPRHP) in August 1988. The Hudson River is separated from the Fishkill Creek estuary by a 180 foot high hill which rises above the marshy area east of the Railroad.

The western bank of Fishkill Creek is lined by industrial uses and a spur of the railroad. The scattered residential uses above the railroad are of mixed ages and conditions. The eastern bank of the creek encompasses undeveloped wooded hillsides.

B. Existing Zoning

Zoning is the primary land use control device available to the City. In addition to the permitted use categories, the ordinance also includes sections regulating use of flood prone (Section 344) areas, wetlands (Section 315.1) and steep slope areas (Section 315.2).

Twelve of the original (prior to LWRP) 18 zoning categories in the City's ordinance (adopted in 1977) were found in the coastal area. These included:

R1-40	One family residence - minimum lot size 40,000 square feet; also permits religious institutions; public schools, libraries, parks, etc.
R1-20	One family residence - minimum lot size 20,000 square feet; same uses permitted in R1-40 district.
R1-10	One family residence - minimum lot size 10,000 square feet; same uses permitted as in R1-40 district.
R1-7.5	One family residence - minimum lot size 7,500 square feet; same uses permitted as in R1-40 district.
RD-6	Designed Residence District - 6,000 sq. ft. per dwelling; minimum lot size 5 acres; one and two family residences and multi-family residences in addition to other uses permitted in R1-40 district; maximum height of 2.5 stories.
RD-3	Designed Residence District - 3,000 sq. ft. per dwelling; minimum lot size 5,000 square feet; same uses permitted as in RD-6 district, maximum height 2.5 stories.
RD-1.8	Designed Residence District - 1,800 sq. ft. per dwelling; minimum lot size 5,000 square feet; same uses permitted as in RD-6 district; maximum height of 10 stories.
RMF-1.5	Multi-family -- 1,500 sq. ft. per dwelling; minimum lot size 5,000 sq. ft.; same uses permitted as in RD-6 district; maximum height of 13 stories.
GB	General Business -- uses permitted in LB District in addition to theatres, wholesale commercial uses, workshops, and automotive commercial uses subject to special permit.
LB	Local Business -- residential uses, offices, retail stores, restaurants by special permit.
LI	Light Industrial -- industrial uses using electric power only; wholesale storage (excluding junkyards) by special permit.
HI	Heavy Industrial -- uses permitted in the GB and LI districts; other non residential uses deemed appropriate by the Board of Appeals.

In order to implement the LWRP certain zoning amendments were enacted:

In many instances the zoning remained the same since such zoning was in accordance with existing development. In most instances, changes in zoning were enacted where they are more in accordance with existing development or proposed development than was the pre-existing zoning. In other instances changes were made to effectuate the LWRP by encouraging development which was more in

keeping with coastal goals and protection of coastal resources. An example was the change from "Light Industrial" to "Residential" of the steeply sloped banks of the Hudson west of South Avenue. Another was the change from "Heavy Industrial" to "Light Industrial" of several parcels east of the railroad tracks.

However, the most significant change in zoning was along the City's riverfront. Most of this area was originally zoned for "Heavy Industrial" use. The LWRP proposed major changes in zoning by eliminating all "Heavy Industrial" zoning and replacing it with two new waterfront zoning districts which have been developed as part of the LWRP -- the "Waterfront Park" and "Waterfront Development" districts. These two zones are discussed below.

R1-40 This is the lowest density residential zone in the City. Presently only the southern Dutchess Country Club area and a section of South Avenue across from Wodenethe and Rosenethe are zoned R1-40. The LWRP recommended that two additional areas be re-zoned R1-40. The first is Spy Hill (presently zoned RD-3). The R1-40 zone is more consistent with the density of existing development and the value of the historic resources located in the Spy Hill area. The second is an area in the very southerly section of the City known as the "Polo Fields", presently zoned RI-20. The R1-40 designation is more appropriate to the density of proposed development in this area and more consistent with the surrounding uses and the proximity to the Fishkill Creek.

Additionally, the LWRP proposed that the pre-existing R1-40 zone along the westerly side of South Avenue be extended in depth to include a portion of land (presently zoned "Light Industrial") along the steeply sloped areas overlooking the Hudson.

RI-20 There were no changes proposed in the R1-20 zoned areas.

R1-10 Under the pre-existing zoning, only the area to the west of South Avenue and along Denning's Avenue was designated as R1-10.

The LWRP also recommended that the Bayview/Kittridge area, formerly zoned RD-3, be re-zoned to R1-10. This zone is much more in keeping with existing development.

R1-7.5 The R1-7.5 zoning in the vicinity of Lafayette Avenue and the westerly frontage along North Avenue was expanded to include the High Street area (presently zoned RD-3). This change in zoning is much more consistent with existing development. Additionally, a very small triangle of land in the High Street area was re-zoned to be part of the R1-7.5.

The old Tool and Die Works area, including the firehouse, St. Andrews Church and Martin Luther King Center, was recommended to be changed from RMF-1.5 to R1-7.5 to be more consistent with patterns of existing development. A small area south of Rombout Avenue presently zoned RD-3, was also recommended to be re-zoned to R1-7.5.

RD-6 The LWRP proposed that an area to the west of Bank Street and to the north of Branch Street known as the Prizzi property, and a small parcel surrounded by the Prizzi property, be re-zoned from RD-3 to RD-6. These properties are rugged in their terrain and this terrain effectively limits their future redevelopment potential. The RD-6 density is in keeping with the actual development potential of the properties for the dwelling unit type (townhouses) most likely to be constructed on the sites.

RD-3 As described above, certain areas formerly zoned RD-3 were re-zoned to lower densities. Other areas, including Fishkill Landing North and Fishkill Landing South, remained designated RD-3. It was recommended that the lands between Ferry Street and Beekman Street (Urban Renewal Parcels "L" and "W" and including Hammond Plaza) be re-zoned from RMF-1.5 to RD-3. The RD-3 zone is consistent with proposed development plans that have been submitted to the City and conforms to the existing land use designation. Since this is a major vacant parcel within the Waterfront Area, the planning of this site will be very important to the integrity of the LWRP. Strict architectural and design controls will be the most important factor in assuring high quality development and the preservation of views in the Coastal Area.

RD-1.8 Only the Community Interfaith Housing Development west of South Avenue and east of South Davies Terrace is designated for RD-1.8 zoning. The area is already fully developed.

LB The area presently zoned for "Local Business" south of the intersection of Beekman Street and Ferry Street, is a triangle of land presently the site of the Epstein Law Offices. The LWRP recommended that this zone be extended to include a small parcel across Beekman Street presently zoned "GB." The uses permitted in the "LB" zone are more appropriate to the size of this site and the nature of the surrounding area. The Loopers Plaza area continues to be zoned "Local Business," as does a small property on Beekman Street opposite lower Main Street.

LI As noted above, certain areas previously zoned as "Light Industrial" were proposed to be changed to less intensive districts. These include the steeply sloped areas of the banks west of the residential area on South Avenue (re-zoned from 11 to R1-40) and the area on Denning's Avenue, re-zoned from LI to R1-10.

Additionally, several areas previously zoned for "Heavy Industrial" use were recommended to be re-zoned to "Light Industrial." These include the areas south of the Fishkill Creek and the parcel of land on River Street just beyond its intersection with Main Street. Thus, overall, the portion of the City zoned for "Light Industrial" uses remains about the same.

The City also amended the Schedule of Regulations for Non-Residential Districts in the Zoning Regulations so as to allow the principal and accessory uses permitted in the General Business zoning district to be permitted in the Light Industrial zoning district as well. This expanded the range of uses permitted in the Light Industrial zoning district to those appropriately found in this kind of zone.

HI The "Heavy Industrial" zoning designation has been removed from all properties within the City's LWRP area as discussed in other sections.

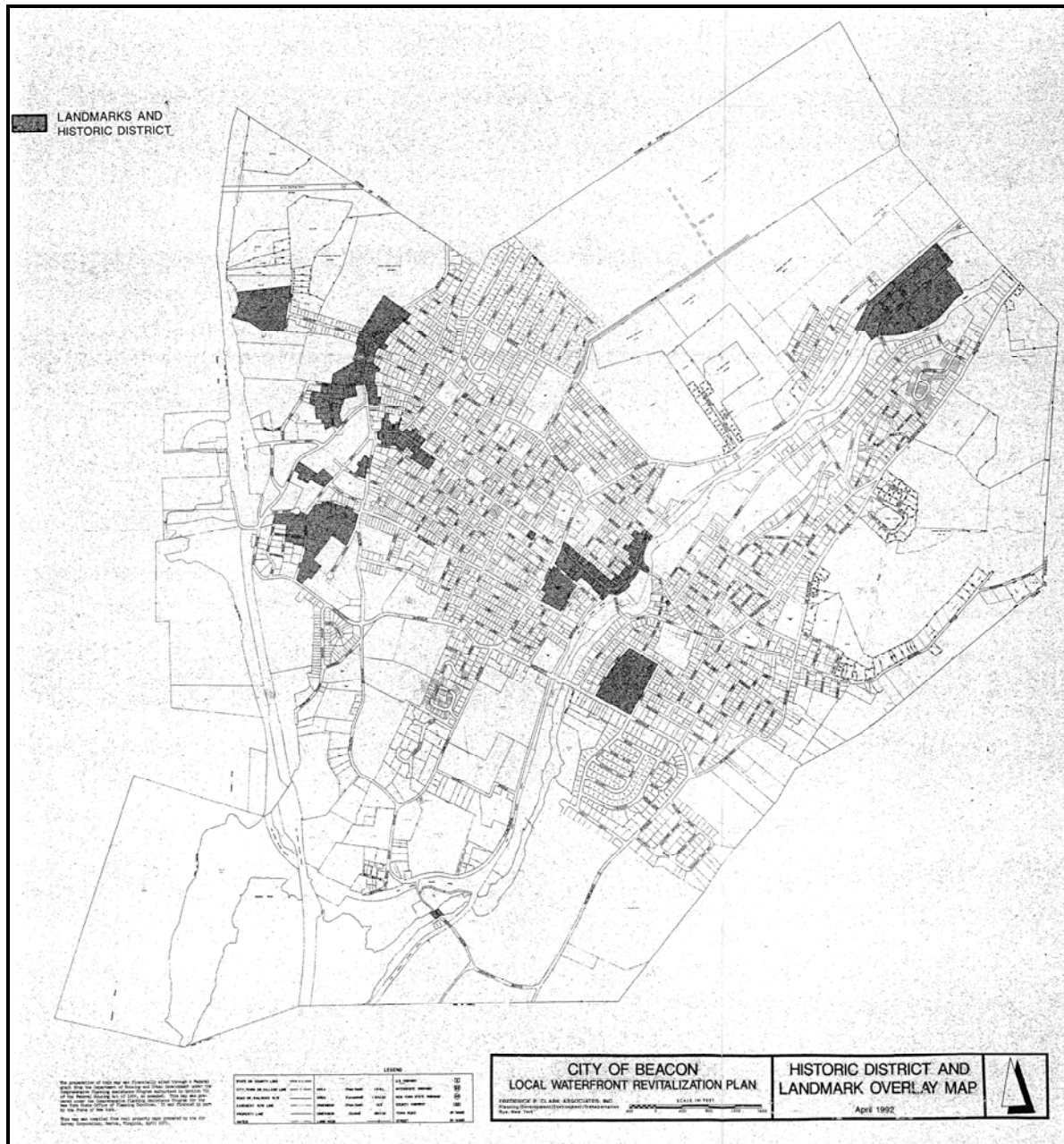
WD and WP New Waterfront Zoning Districts -- A central goal of the LWRP is to revitalize the City's riverfront, encourage appropriate recreational and open space uses of publicly-owned land at the river and encourage the revitalization of presently underutilized privately-owned lands at the riverfront. In order to do this, the LWRP proposed two riverfront zones -- Waterfront Park and Waterfront Development. The "Waterfront Park" district covers all of Riverfront Park, the Old Ferry Landing, the City-owned lands at the north shore of Long Dock and encompasses the abutting lands of the railroad.

Denning's Point, previously zoned "Heavy Industrial" was re-zoned to "Waterfront Park." This area includes the peninsula itself and the estuary area of Fishkill Creek.

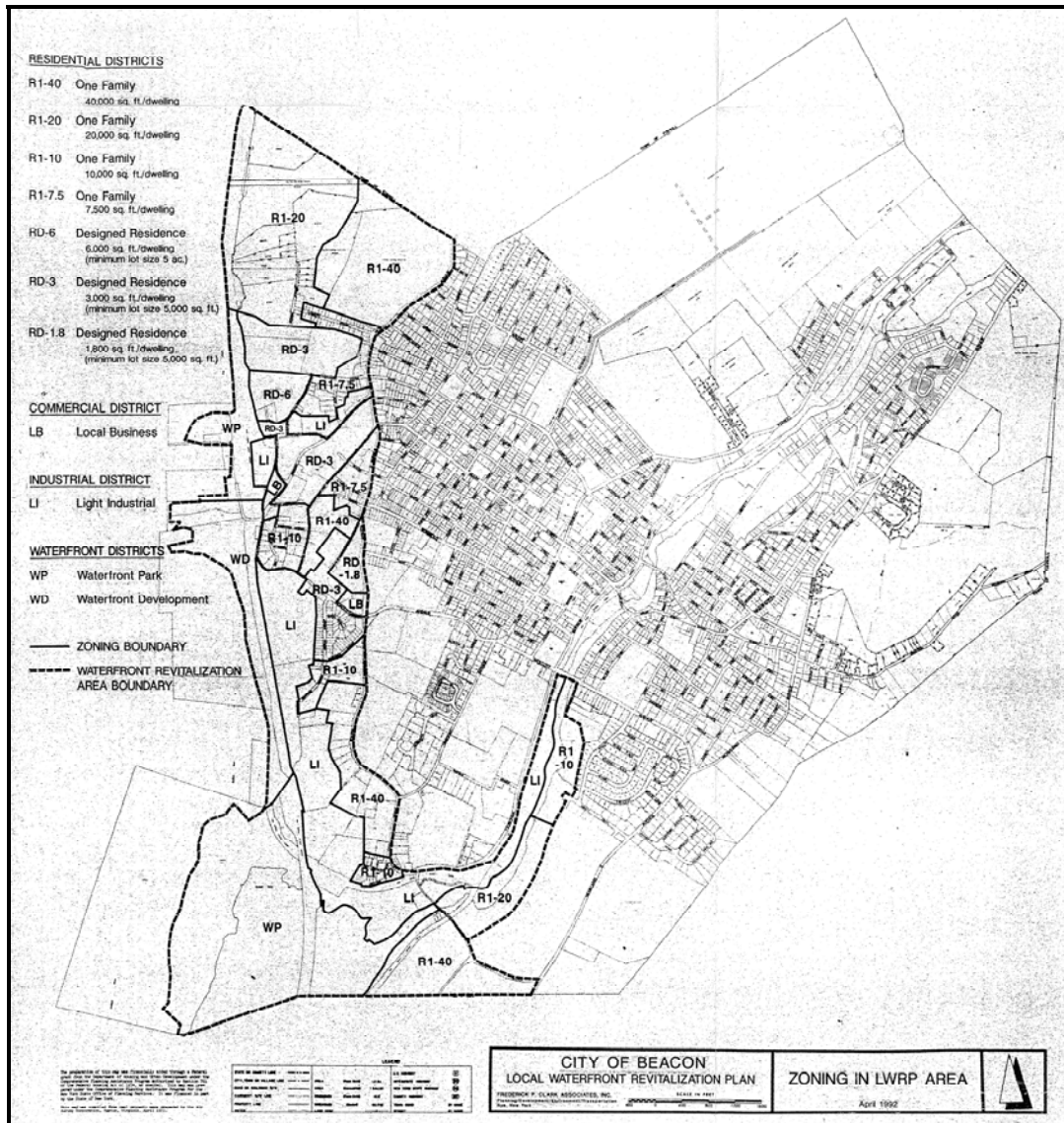
The remaining areas of the waterfront, which are privately owned, were re-zoned to "Waterfront Development." This zone will encourage revitalization of the riverfront area by promoting mixed use development including residential, marina, restaurant, and small scale retail to serve adjoining uses and the commuter population. These will complement the uses that exist at Waterfront Park and future uses planned for the City's harbor area. Both encourage the provision of pedestrian linkages between Waterfront Park and Denning's Point.

The City's Zoning Law was also amended to eliminate inconsistencies with the Flood Damage Prevention Law.

The zoning law revisions will assist in the implementation of the LWRP with respect to Policies 1, 1A, 1B 1C, 2, 4 4A, and 4B regarding development along the waterfront, Policy 18 in the protection of coastal areas, Policies 19, 19A, 19B, and 20A in the provision of public access along the waterfront, Policies 21, 21A, 21B, 21C, 21E, 22, and 22A in the enhancement and encouragement of recreational areas, Policies 23 and 23A in the protection of significant historic and cultural structures and sites, and Policies 25 and 25A to preserve the scenic quality of the local topography and character of the City.



Map 2 - Historic District and Landmark Overlay



Map3 – Existing Zoning in LWRP Area

C. Cultural Resources

The City of Beacon has numerous buildings and structures of historic value. The City's historic resources reflect Beacon's development from two rural 18th Century villages (Fishkill Landing on the Hudson River and Matteawan on Fishkill Creek) to prosperous 19th Century industrial towns. (The City of Beacon was formed in 1913 by the merger of the two villages.) Some features of Beacon's past no longer exist, such as a Hudson River Ferry service (operating from 1743 to 1963) and the Denning's Point brickyards. But a great many historic structures have been preserved; including 19th Century mills on Fishkill Creek, Victorian estate houses and numerous homes, churches, and commercial buildings of differing ages and architectural styles.

In 1982, a study of the City's cultural resources was undertaken. Approximately 320 structures were surveyed, including many within the Waterfront Revitalization Area. The survey led to the approval for nomination of 35 individual buildings and four districts to the National Register of Historic Places. One of the proposed districts is in the Waterfront Revitalization Area. The Tompkins Street-High Street Historic District includes attractive Victorian homes, which have sustained little alteration.

Individual buildings within the coastal area which were approved for nomination include the following:

- St., Andrews Episcopal Church
- Wicopee Cotton Mill (Fishkill Creek)
- 575 Wolcott Avenue
- 45 Ferry St.
- Christie House

In addition to those buildings approved for nomination, two properties within the coastal area are currently listed on the National Register: the Tioranda Bridge, which spans Fishkill Creek; and Eustatia, an estate house overlooking the Hudson River in the northern part of the area; and the Dutch Reformed Church/Parsonage.

Many other areas and buildings within the waterfront area are of local historic interest, including the Spy Hill Historic District which encompasses several large Victorian homes situated on a prominent hill overlooking the Hudson, and the Groverville area on the Fishkill Creek.

The NYS Office of Parks, Recreation, and Historic Preservation has identified the Beacon waterfront as sensitive for the presence of archeological sites, representing settlement patterns important to our understanding of the State's prehistory and history. Any ground-modifying construction should be preceded by an archeological investigation through consultation with the State Historic Preservation Officer when necessary.

D. Physical Characteristics/Environmental Features

Beacon's physical characteristics, in the coastal zone shown on the Development Considerations map, vary widely from the flat waterfront terrain to the steep slopes of the Hudson Highlands.

The City of Beacon is located on the "lowlands" at the northern edge of the Hudson Highlands. The geology of the area is dynamic. To the south and east of the City are Breakneck Ridge, South Beacon and North Beacon Mountains (all part of the Hudson Highlands). These rugged mountains are largely formed of granitic gneiss; a metamorphic formation of Precambrian origin that dates back to 1,100 million years ago. These are the oldest rocks in the area, and are also the most resistant to weathering.

North of the Highlands, the river widens from as narrow as one-half mile wide to approximately one and one-half miles wide. Here, the underlying rocks are largely shale of the Normanskill Formation. The Austin Glen member, comprised of graywackes, silt stones and black and gray shale, underlies most of Beacon. These sedimentary rocks are much more recent in origin, dating to the Middle Ordovician period. On top of these more easily erodible shales are glacial deposits, left by the receding glaciers. The

river was higher during this period, resulting in lacustrine (lake-laid) sediments along much of the Hudson and Fishkill Creek waterfronts. Denning's Point, for example, contains "good quality" Pleistocene clay deposited during one of the river's higher periods.

The Hudson River is separated from most of the City by steep hillsides; elevations rise from nearly sea level to 140 feet above sea level in less than one quarter of a mile. (In this respect, the Hudson still occupies a gorge in the more level areas north of the Highlands.) Slopes above the river often exceed a 25 percent gradient, and many of the hillsides are composed of highly erodible soils.

Because of the fact that the Hudson River is essentially at tide water elevation at Beacon, the Flood Hazard Area is relatively narrow for most of the City's riverfront. The elevation of the 100 year flood on the river at Beacon is estimated to be eight feet. Thus, the Hudson River's 100 year flood boundary is more or less confined to the area west of the railroad tracks. The only large areas within the boundary are Riverfront Park, Long Dock and a very small portion of Denning's Point. History indicates that flooding on the river can occur during any season, and although few residences and other buildings are within the area, there can be damage to waterfront structures and marine uses.

The 100 year flood zone for Fishkill Creek is also fairly narrow. However, the Creek's 100 year flood plain is divided into a floodway and floodway fringe. The floodway includes the stream channel and any adjacent floodplain areas that must be kept free from structures and fill that would block a 100 year flood, causing substantially increased flood heights. (Flood-ways are not applicable to tidal areas; thus no flood-way was designated for Beacon's Hudson River shore front.)

At the mouth of Fishkill Creek is a large freshwater marsh which is a Class I designated Freshwater Wetland (WT-1) by the New York State Department of Environmental Conservation. The creek and marsh have been designated as a Significant Coastal Fish and Wildlife Habitat by the Department of State.

Issues and Opportunities

The analysis of existing uses and conditions in Beacon and discussions with various interested groups and persons have resulted in the identification of a number of issues and opportunities in the Waterfront Revitalization Area.

Beacon's Waterfront Revitalization Area contains many of the uses common to the older Hudson River towns -- including the railroad tracks paralleling the riverfront, historic buildings and areas in need of preservation, deteriorating waterfront uses, lack of waterfront access and more recent residential and industrial uses. But it also contains an unusually large amount of vacant and underutilized land (much of it wooded and with steep slopes), which could be developed and/or redeveloped. The issues and opportunities reflect this mixture of "old riverfront town" and "semi-rural" characteristics.

The issues and opportunities have been organized by categories that relate to the coastal policies which will be discussed in the next section. Categories of issues include Land Use and Development, Fish and Wildlife, Flood and Erosion Hazard, Public Access, Recreation, Scenic Quality/Aesthetic Resources, Energy and Water Resources.

A. Land Use and Development

Deteriorated and Underutilized Waterfront

Beacon's waterfront is similar to other urban waterfronts in that many uses have become obsolete and thus have declined or disappeared altogether, resulting in underutilized and deteriorated land and buildings. In addition, there are almost no water-dependent uses and very few water-enhanced uses (limited largely to the Sloop Club, Riverfront Park, the Dutchess Boat Club and the Garrett Storm oil tank farm) on the waterfront. The underutilized areas on the waterfront provide Beacon with valuable opportunities for waterfront use and development, as the development of the Riverfront Park demonstrates. More discussions and proposed projects for this area are included in Appendix C – City of Beacon Harbor Management Plan.

a. Beacon Harbor and Ferry Pier

With the closing of the Newburgh-Beacon Ferry Service, the City's waterfront ceased to be used for transportation, and the harbor began to deteriorate. Major consequences include decreasing public access, siltation of the harbor, and the growth of water chestnuts and other vegetation that make use of the harbor by all vessels even more difficult, and in some areas impossible. The old ferry pier is in dilapidated condition, and is both dangerous and an eyesore. It is fenced off from the shore as a safety precaution, with the result that access to the water (and harbor) is very limited. The site is considered suitable as a boat launch, marina facility, or as a promenade for fishing, walking, sitting, etc. There is a need for an improved boat launching ramp, as well as other marina facilities. The possibility of reinstituting passenger ferry service from Newburgh and other locations is also being considered.

The discontinuation of the necessary dredging to keep much of the City's waterfront open to large boats has made it virtually impossible for many large ships to dock in Beacon, and has greatly limited the potential for expanded recreational boating as well. Dredging the harbor would increase the amount of usable space.

b. Beacon Sloop Club, Inc.

The Beacon Sloop Club has long been the focus of much of the waterfront activity and revitalization in the City. However, the Club is expanding its facility in order to carry on and expand its many river-related functions and activities.

c. Long Dock

The Long Dock area is partially used for the Garrett Storm oil tank farm, the Dutchess Boat Club (limited to 100 members by the size of the facility), a salvage yard, and salt storage. The unused portions of Long Dock are covered with scrub vegetation and dumped materials. In its current condition Long Dock constitutes a blight on the visual landscape.

Important issues include future land use of the area under the WD- Waterfront Development Zoning District, the limited public access and the need for additional

marina and recreational docking facilities. Appropriate uses for this area should be a major consideration for the revitalization of the waterfront.

d. Denning's Point

The major undeveloped parcel of land along the City's waterfront is the 65 acre Denning's Point peninsula (once the location of successful brickyards). This area is almost totally unused forest and brush land, with the exception of an abandoned industrial building near the entrance to the peninsula. At one time, the peninsula was shown as a potential part of the Hudson Highlands State Park. In 1988 the State purchased this property, thus restricting development to recreational uses only. Access to the peninsula is provided by a narrow wood and steel bridge over the rail road. In the event of more intensive use, the bridge and access road would have to be improved. The State Office of Parks, Recreation and Historic Preservation is currently working on a management plan for this area and will address the issues of future use and public access.

Large Undeveloped/Underutilized Land Parcels

Beacon's coastal area includes a large number of vacant or underutilized land parcels. The northern portion of the area includes a number of large residential lots (ranging in size from approximately 2-15 acres) between the Southern Dutchess Country Club and river. Development of portions of this area would have to be carefully controlled because of excessively steep slopes and high erosion hazard.

The central portion of the coastal area includes Long Dock and the few remaining undeveloped parcels in the Urban Renewal Area (approximately 20 acres ranging in size from one-third to nine acres). The future development of Parcels L and W, within the Urban Renewal Area are especially important to the character of the City because they are on either side of an historic landmark and form the "bridge" between the waterfront and the Central Business District.

The southern part of the coastal area contains the largest amount of vacant and underutilized land, Denning's Point (approximately 60 acres). The future use of the property will have a great impact on the aesthetic and environmental quality of the area.

Transportation

a. Roadways

- (1) Beacon is accessible from 1-87, which runs from north to south on the west side of the Hudson and from 1-84 which goes from east to west on the north side of Beacon. There are also major city arterial roads which provide direct access to the waterfront area.
- (2) State Route 91:10 is the major north-south route through the western portion of the City.

b. Railroad Station

- (1) Passenger service is available on a regular basis. The station capacity at Beacon is, however, in question. The previous railroad station was once a focal point for the City's transportation network, as the link between water transportation (via the Ferry) and rail

transportation. With the cessation of the Ferry service and the destruction of the station by fire some years ago, the station area declined. It was recently cleaned up and refurbished by Metro North.

- (2) Parking capacity attached to the railway appears to be inadequate due to increased railway commuting. Cars line all the access streets into the riverfront area during the daytime hours. This problem needs to be addressed.

City-River Relationship

Beacon has historically had a close relationship with the Hudson River. In the early days of Fishkill Landing, the Village's standing as a major river landing enhanced this relationship. The movement away from the river, resulting from the cessation of the ferry service and other water-dependent uses during the mid- twentieth century weakened the City's relationship with the river. However, recent years have seen a renewed interest in the river, as evidenced by the construction of Riverfront Park. The river is a valuable resource which can be better used and enjoyed by City residents.

Lack of Water Dependent and Water Enhanced Uses

The Beacon waterfront has few existing water-dependent and water-enhanced uses. Water-dependent uses are limited to the Dutchess Boat Club and the Beacon Sloop Club. Riverfront Park is the lone water-enhanced use. Because of the railroad tracks which so closely parallel the shore, there is little potential for numerous water-dependent uses along Beacon's waterfront; however, both Long Dock and Dennings Point offer opportunities for increasing water-dependent and enhanced activities.

Lack of Adequate Water and Sewer Systems West of the Railroad

The area west of the railroad is presently not sewered. This can potentially hamper new development on Denning's Point and Long Dock and in the Harbor Area. Because of the potential value of these areas to the City for water dependent and enhanced uses, adequate water supply and sewage disposal is essential. Water and sewage lines are included in the plans which are currently underway to build a new connecting bridge to the railway.

B. Fish and Wildlife

Fishkill Creek Estuary and Marsh

a. Location and Description of Habitat:

Fishkill Creek is located on the east side of the Hudson River, in the City of Beacon and the Town of Fishkill, Dutchess County (7.5' Quadrangle: West Point, N.Y.). Fishkill Creek Estuary and Marsh have been designated by the NYS Secretary of State as a Fish and Wildlife Habitat of Statewide Significance under the NYS Coastal Management Program. (See Appendix A, Coastal Fish and Wildlife Rating Form, Project Narrative and Maps.)

The fish and wildlife habitat is an approximate one-half mile segment of this relatively large, perennial, warmwater stream, extending from its mouth on the Hudson River to the first dam upstream. A short section of Fishkill Creek below the dam flows over a steep, rocky, rapids. However, most of the habitat (up to the first road bridge) is within the tidal range of the Hudson River, and contains extensive areas of mudflats, emergent marsh, and subtidal beds of aquatic vegetation. The habitat includes an approximate 80

acre shallow bay area located at the creek mouth (west of the Conrail railroad), and undeveloped portions of Denning Point, a wooded, area bordering Fishkill Creek, including Denning Point, remains in a relatively natural condition. Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, invasion by water chestnut, upstream water uses, and potential effects of industrial and landfill operations located just north of the area.

b. Fish and Wildlife Values:

Fishkill Creek is one of about 5 major tributaries emptying into the lower portion of the Hudson River estuary. The diversity of natural ecological communities, and lack of significant human disturbance in the area, provides favorable habitat conditions for a variety of fish and wildlife species. Habitat quality in the open bay portion may be reduced by extensive invasion by water chestnut. However, several rare plant species, including subulate arrowhead, and kidneyleaf mud-plantain, occur in the estuarine portion of Fishkill Creek.

The Fishkill Creek is an important spawning area for anadromous fishes, such as alewife, blueback herring, white perch, tomcod, and striped bass.

Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the Hudson River. An exception is tomcod, which spawn in the area in December and January. A substantial warmwater fish community also occurs in Fishkill Creek throughout the year. Resident species include largemouth bass, bluegill, brown bullhead, and carp.

The Creek probably marks the northern extent of blueclaw crab (in abundance), and is occasionally used by marine fishes, such as bluefish, anchovy, silversides, and hogchoker. Freshwater inflows from Fishkill Creek play an important role in maintaining water quality (e.g. salinity gradient) in the Hudson River estuary. The abundant fisheries resources of Fishkill Creek provide significant opportunities for recreational fishing. However, the stream channel is relatively inaccessible, and angling pressure throughout the area is light.

In addition to its importance as a fisheries resource, Fishkill Creek provides feeding habitats for various wildlife species. Locally significant concentrations of herons, waterfowl, furbearers, and turtles, may be found in the area at almost any time of year. Fishkill Creek is reported to be a major crossing point for raptors migrating through the Hudson Valley, along the northern slope of the Hudson Highlands. Although complete data on these bird populations are not available, concentrations of osprey have been observed regularly at Fishkill Creek during spring migration. At least several of these birds appear to be summer residents at Denning Point, and a man-made nesting platform has been constructed on the southern end of the peninsula. This is one of only 3 sites on the Hudson River where researchers are hoping to establish a breeding pair of

these birds. In addition, least bittern has been reported as a probable breeding species in the marshes at the mouth of Fishkill Creek.

The marsh at the mouth of Fishkill Creek has also been designated as a Class I Freshwater Wetland (WT-1) by the New York State Department of Environmental Conservation.

Permitted Recreational Fishing:

The lack of access to the shorefront and the lack of boat access to the water (resulting from the condition of the harbor) combine to limit recreational fishing off Beacon. There is a need for improved access to the water over the railroad tracks, a new boat launching ramp, fishing piers and land areas on the shore front available to anglers.

C. Flood and Erosion Hazards

Flood Hazard Area

Although the Hudson River and Fishkill Creek Flood Hazard Areas are not extensive, there is a need to regulate uses within these areas to protect both lives and property. Of particular concern are flood hazard portions of Long Dock and Denning's Point (both of which have development potential), as well as the Fishkill Creek floodway and adjacent marshy areas. Flood Hazard Areas, as identified by the Federal Emergency Management Agency, are shown on maps adopted in conjunction with the City's "Flood Damage Prevention" law adopted in 1987.

Erosion of Steep Slopes

Much of the City's Waterfront Revitalization Area consists of steeply-sloped wooded hillsides. These slopes, which occur along the waterfront from I-84 to the estuary of the Fishkill Creek, vary in steepness from 15 % to over 25 % and consist of highly erodible soils. Steep slopes also occur along the Fishkill Creek in the estuary of which lies a designated significant fish and wildlife habitat. Low density housing and industrial uses occupy the ridges and the valley floor respectively. Because of these uses, the potential exists for degrading water quality through erosion and industrial run-off, and also for threatening scenic quality and the safety of property. To avoid such occurrences, new development shall, wherever possible, avoid such areas, and no existing vegetation therein shall be disturbed without approved erosion control measures.

D. Public Access

Need to Improve Vehicular Access to the River

The Railroad tracks which parallel the eastern bank of the river have restricted access to the waterfront along much of the river's length. In Beacon, there are two grade separated crossings; one at the Railroad Station, the other at Denning's Point. For the remainder of the City's Hudson riverfront, the area between the tracks and the shore line is narrow and has no direct access.

The bridge at the railroad station is in poor condition and unsafe for heavier vehicles requiring access to the industrial uses on Long Dock. Thus, there is a pressing need to repair or replace this much needed link to the waterfront. Plans are currently on the drawing board as a joint venture between the City of Beacon and New York State to replace this bridge.

Need to Improve Pedestrian Access to the Riverfront

Pedestrian access to the riverfront is difficult because of the barrier created by the railroad tracks. There is one public overpass, by the station, which serves both vehicles and pedestrians. This overpass is almost one-fourth mile south of the main portion of the riverfront park however, and is a poor pedestrian connection to the park in terms of location and vehicular use. The only other access is through the Metro North station's newly created underpass which leads from the parking lot east of the tracks through to the parking lot west of the tracks.

Pedestrian access to the river north and south of the station area is also severely limited by the narrowness of the land between the water and the railroad tracks. Because of the closeness of the railroad tracks to the shore, much of the City's Hudson riverfront is too narrow to permit intensive use of the land. (Denning's Point, Long Dock and Riverfront Park are the only areas large enough for intensive waterfront use.) However, there may be potential for pedestrian walkways and fishing access along the shoreline between Denning's Point and Long Dock, although serious safety issues exist which will have to be overcome.

Ownership Patterns Restrict Waterfront Access

A large portion of Beacon's Hudson River and Fishkill Creek waterfront is in private ownership, with the exception of Riverfront Park and Denning's Point. In addition, one of the two grade separated crossings over the railroad tracks to the River (at Denning's Point) is controlled by OPRHP. Thus, public access to most of the City's waterfront (both Creek and River) is severely hampered. Even those areas where present property owners permit access may eventually be developed, with the possibility of precluding all public access. It is therefore essential that additional public access to the waterfront be established whenever possible.

E. Recreation

Opportunity to Improve and Complete Riverfront Park

The original plan for the Riverfront Park included a second phase involving the construction of a boat ramp and marina facilities between the park peninsula and Long Dock. In addition, there are several existing problems which need to be addressed. These include the lack of restrooms, incidents of vandalism, the use of the parking area as a drag strip at night, garbage dumping and broken park facilities. The storm water outfall near the park has been a constant problem in terms of public safety and aesthetics. Because of the time that has elapsed since Phase I (1977), the Phase II plans will have to be reviewed and updated in order to respond to current recreation needs and desires. This is an opportunity to increase recreation use and improve access to the waterfront, as well as a chance to improve Beacon's harbor.

Lack of Recreational Fishing and Boating Facilities

Recreational fishing and boating facilities in Beacon are limited by the lack of public land and by the deteriorated condition of the harbor. Existing facilities such as the Dutchess Boat Club and the Sloop Club boat ramp are unable to meet the demand for boating facilities. There is a need for marina facilities, including adequate boat launching ramp and parking areas, moorings and slips, and potentially a pier for "dayliner" size boats, to serve both resident and transient boaters. Potential areas for boating

facilities include the waters off Riverfront Park, the harbor, 'and the waters off Long Dock and Denning's Point.

F. Scenic Quality/Aesthetic Resources

Need to Protect Scenic Vistas

Because of the topography, the scenic views of the river from Beacon are a great asset to the City. To the north, west and south is the Hudson River, while further south are the mountainous Hudson highlands. The Waterfront Revitalization Area has excellent views of both river and mountains, especially from the top of the escarpments above the river. The preservation of the City's scenic vistas should thus be given top priority.

Views from the following positions are significant and need to be protected (Photos within Section BI, Policy 25).

- a. Main Street & Route 9D
- b. Beacon Street & Route 9D
- c. Rombout Avenue & Route 9D
- d. Wolcott Avenue and Route 9D
- e. South Avenue & Route 9D
- 1. Denning's Avenue at South Avenue
- g. Sargent Avenue at St. Lawrence Seminary
- h. South Avenue Vs mile west of Denning's Avenue
- i. Paye Street
- j. River Street and Beekman Street
- k. Southwest view from Wolcott Avenue 200' west of Bayview Avenue
- 1. West view from Wolcott Avenue 200' west of Bayview Avenue
- m. Northwst view from Wolcott Avenue 200' west of Bayview Avenue.

Need To Preserve and Restore Historic Properties

The Waterfront Revitalization Area includes an abundance of historic properties. Buildings and structures presently listed on the National Register of Historic Places in the coastal area include Eustatia and the Tioranda Bridge. The Tompkins Street-High Street district is considered to be eligible for the National Register of Historic Places. In addition, numerous individual properties of local significance or deemed to be eligible for the National Register are within the LWRP area. However, some of these properties are in need of rehabilitation. Other properties, such as the Mills on Fishkill Creek, may be too large for economical maintenance, thus resulting in potential preservation problems.

Fishkill Creek

Fishkill Creek is a scenic resource by its own merits. The portion of the Creek which is south of the Wolcott Avenue bridge is within the Waterfront Area. The Fishkill Creek is notable for the mill buildings which line the banks along some stretches, waterfalls (originally dams constructed for the mills), historic bridges and marshes. Many of the bridges, mills and dams are in need of repair. The preservation of the Creek as a scenic resource, the preservation of the historic buildings along it, and the establishment of

public access to the Creek are of prime concern. It is also important to protect the habitat areas at the mouth of the Creek.

Hudson Highlands Scenic Area of Statewide Significance

The scenic quality of part of the City of Beacon's waterfront has been recognized by inclusion in the Hudson Highlands Scenic Area of Statewide Significance (SASS), as designated by the Secretary of State on July 22, 1993. The Hudson Highlands SASS encompasses a twenty mile stretch of the Hudson River and its shorelands and varies in width from approximately 1 to 6 miles. The SASS includes the Hudson River and its east and west shorelands. It extends from its northern boundary, which runs from the northern tip of Scofield Ridge, Denning Point and the base of Storm King Mountain to its southern boundary at Roa Hook and the southern limits of the Bear Mountain State Park. At its northern and southern extremes, the SASS extends across the Hudson River to the mean high tide line on the opposite shoreline.

The Hudson Highlands SASS is of statewide significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition. There exist in the SASS unusual variety, as well as unity of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features.

The section of the Hudson Highlands SASS within the City of Beacon is located within the Dutchess Junction subunit (ILH-27). The location is illustrated on the accompanying map. The scenic quality of the Hudson Highlands SASS and the Dutchess Junction subunit are summarized below and discussed in more detail in Appendix B.

The Hudson Highlands SASS is a highly scenic and valued region of the Hudson River Valley, rich in natural beauty, cultural and historical features. It is characterized by a low, rugged topography split by the narrow and deep fjord-like passage of the Hudson River. The shoreline configuration varies from steep cliffs and bluffs to gently sloping banks and low coastal plains. Coves, creeks, wetlands, tidal flats and shallows further shape the shoreline. Dense and mature mixed woodlands on the uplands give way to a combination of woodlands, farmsteads, pastures and meadows and landscaped estates on the lower slopes and lowlands. Many historic estates and large areas of protected open space are to be found throughout the SASS.

The southern extreme of the City of Beacon is included within the Dutchess Junction subunit. This subunit is comprised of the flat and gently sloping shorelands of the Hudson River which give way to the gently rolling hillside below the steep mountains of the Scofield and Breakneck Ridges in the Hudson Highlands State Park subunit. The vegetation is a mix of wetlands, woodlands, meadows and orchards. The shoreline curves gently with a moderate variety of shoreline indentation and elevation. There is one large cove created by Denning Point, a low, wooded, sand peninsula. The Fishkill Creek, which features a short section of rapids, meets the Hudson River at the cove, creating a rich estuary of marsh, tidal flats, and shallows. The subunit offers unobstructed views of the Hudson River and Fishkill Creek. Interior views are limited by vegetation and topography. Views from the Hudson River are of the low, wooded coastal shorelands; the gently rising uplands; Denning Point and the mouth of the Fishkill Creek. These features are set against the dramatic backdrop of the Hudson Highlands. Positive focal points include

Denning Point, Bannerman's Castle on Pollepel Island, and distant views of the Newburgh-Beacon Bridge and Sugarloaf and Storm King Mountains

G. Water Resources

Ownership and Jurisdiction of Underwater Land

The ownership and legal jurisdiction of the underwater land on the Hudson River shorefront is unclear in certain areas. The issues of ownership and jurisdiction must be resolved before significant gains in water dependent uses can be made.

Waterfront Dredging

The siltation occurring in the harbor since the discontinuation of the Beacon- Newburgh Ferry has increasingly restricted harbor use, particularly for large boats (such as the Dayliner) which cannot be docked at Beacon.

Dredging is, therefore, necessary in order to reopen the harbor to larger boats, as well as increase the use of the harbor for smaller boats. Two potential problems which must be resolved are the impact of the dredging on the water habitat and the need for a dredged material deposit site.

Fishkill Creek Pollution

There is a need for stricter monitoring of the effluent from factories and treatment plants along Fishkill Creek. The locations of the source of pollutants in the Creek are largely unidentified and the level of pollutants entering the marsh and the river are unknown, although high levels of contaminants are suspected.

Pollution from Stormwater Runoff

Pollution from stormwater runoff can occur from combined sewer overflows or non-point sources such as parking lots, streets and even the hillsides above the river. The salt storage area near the river may also be a potential pollution hazard, particularly in instances of high water.

H. Environmental Concerns

Of major environmental concern is the management of the City's solid waste. Beacon will utilize the Poughkeepsie Resource Recovery System for garbage and sewage treatment sludge. Currently, and until that time, the City has a contract with a private carter who dumps in a landfill in Orange County, N.Y.

Beacon Landfill

In the late 1960's the City opened the Beacon City landfill on Denning's Road which through the years has been subject to improper coverings and illegal dumping. In 1977 the NYS Department of Environmental Conservation closed the landfill.

The City covered the landfill with clay and soil and the entire area has been reseeded. Five test wells are located on and around the landfill to monitor for leaching toxins.

Sewage Treatment Plant and Incinerator

At this time the sewage treatment plant is in full operating condition. A three year plan to upgrade equipment and operations began in 1985. Each year the City will issue bonds to cover the costs of improvements.

Old City Incinerator

Due to many violations in the burning of City garbage, the NYSDEC has closed the incinerator with no plans to reopen it. At the present time the site is being used by the City as a transfer station by the City for its solid waste recycling program.

In 1989 the incinerator was converted into a recycling and transfer station. Windrow composting of yard wastes covers 1 acre of the 5 acre site.

The building is being rehabilitated and redesigned for the intermediate processing of recyclables and storage of reusable. At present it has been cleared of debris, plumbing and heating have been restored, and loading docks have been built.

SECTION III - Local Policies and Applicable State Policies

The City of Beacon Waterfront Revitalization Program has been designed to be consistent with the State program, while emphasizing local conditions, policies, plans and projects.

The section on Local Policies and Applicable State Policies is divided according to State designated policy areas and State policies within each policy area. Each New York State Policy (indicated by an Arabic numeral) may be followed by a statement or statements of local policies that are relevant to local conditions and/or can strengthen the State policies by local actions (indicated by a capital letter following the Arabic number, e.g. A, B, C). If no local policy is indicated, the State policy is directly applicable without elaboration of local conditions. If the State policy is not applicable to the City, it is so noted.

Following the policy statements are explanations of the policies and descriptions of criteria, standards or guidelines that will be used to evaluate compliance with a particular policy or policies. Portions of the State explanations and guidelines have been used where relevant. In general, decisions on public expenditures, future land use and review of private development plans will be measured in terms of compliance with state and local policies.

Development Policies

POLICY 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial and industrial, cultural, recreational and other compatible uses.

POLICY 1A

Establish waterfront commercial and residential uses on long dock peninsula to serve as a catalyst for the economic and physical revitalization of the entire waterfront area.

POLICY 1B

Structurally and aesthetically improve the deteriorated harbor area between long dock and Riverfront Park to a level compatible with surrounding recreational uses.

POLICY 1C

Develop the parcel between the southern Dutchess County Club and the Hudson River for low density residential use.

POLICY 1D

Establish uses and streetscapes in the urban renewal project #1 area that provide visual, physical and economic linkages between the waterfront and the central business district, and that will help redevelop the urban renewal area in an environmentally sensitive manner.

POLICY 1E

Develop the underutilized parcel on Denning's Avenue for residential and light industrial uses compatible with the existing adjacent sewage treatment plant.

Explanation of Policy

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging growth in the State, without consuming valuable open space outside of these waterfront areas.

Local governments, through waterfront revitalization programs, have the primary responsibility for implementing this policy. Though local waterfront revitalization programs need not be limited to redevelopment, local governments are urged to identify areas as suitable for redevelopment, and establish and enforce redevelopment programs.

Beacon's Hudson Riverfront is physically separated from the remainder of the City by the railroad. Much of the immediate waterfront is too narrow to permit intensive use, although passive recreation use should be encouraged in these areas. Revitalization efforts on the waterfront must therefore focus on the three waterfront peninsulas: Riverfront Park, Long Dock and Denning's Point. Denning's Point and Riverfront Point are public lands available only for recreational uses. Economic uses will therefore be focused on Long Dock.

The portion of the Waterfront Revitalization Area east of the railroad is also an important part of the area. The partially completed Urban Renewal Area -- Project #1 -- in the center of the area will ultimately have a significant impact on the City-water relationship. In addition, the City has numerous excellent examples of Hudson River architecture which contribute to the Beacon waterfront area's valuable cultural heritage. Every effort should be made to enhance and preserve this asset.

1. When a Federal or State action is proposed to take place in an urban waterfront area regarded as suitable for development, the following guidelines will be used:
 - a. Priority should be given to uses which are enhanced or dependent upon a location adjacent to the water (see Policy 2);
 - b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development;
 - c. The action should serve as a catalyst to private investment in the area;
 - d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline;
 - e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;

- f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand;
 - g. The action should improve adjacent and upland views of the water and shoreline, and, at a minimum, must not affect these views in an insensitive manner;
 - h. The action should have the potential to improve the possibilities for multiple uses on the site.
2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area. See also Policy 23.

POLICY 2

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

POLICY 2A

Develop water-dependent and water-enhanced uses in the long dock, and harbor areas, particularly marinas, boat launching ramps, moorings, and related facilities.

POLICY 2B

Develop Denning's Point for low intensity water- dependent and water-enhanced recreational uses (e.g. hiking, bird watching and educational activities).

Explanation of Policy

Because of the limited amount of land in the City with direct access to the river, encouragement of water-dependent uses is very important. Water-dependent uses applicable to Beacon have been defined by New York State as follows:

- Uses which depend on the utilization of resources found in coastal waters (e.g. fishing).
- Recreation activities which depend on access to coastal waters (e.g. fishing and boating).
- Uses involved in the sea/land transfer of goods (e.g. docks, pipelines, storage facilities).
- Structures needed for navigational purposes (e.g. lighthouses).
- Flood and erosion protection structures (e.g. bulkheads).

- Facilities needed to store and service boats (e.g. marinas, boat repair).
- Uses that rely on waterborne transportation.
- Scientific/educational activities which require access to coastal waters.
- Support facilities for water dependent uses (e.g., parking lots or restrooms for Waterfront Park visitors).

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

In evaluating sites for water-dependent uses, the following criteria were used:

- The ability to tie into in-place facilities and services (public sewers and water, truck and/or rail access, public transportation access).
- Access to navigational channels, in the case of recreational boating or commercial shipping purposes.
- Compatibility with adjacent uses.
- Protection of other coastal resources (e.g. natural habitats).
- Possibility for the future expansion of the use.

See also Policies 23 and 23A

POLICY 3

The state coastal policy regarding development of major ports is not applicable to Beacon.

POLICY 4

The state coastal policy regarding the strengthening of small harbors is not applicable to Beacon.

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

POLICY 5A

Improve sewer and water services at Denning's Point, long dock, and Riverfront Park.

Explanation of Policy

The City of Beacon has a full range of public services and facilities. Public service improvements for sites in the Waterfront Revitalization Area not served by public systems or without adequate infrastructure should be made as development or redevelopment occurs. Historically, the area west of the railroad has

been provided with water and sewer facilities adequate for the in-transit flow of passengers using the railway and the now defunct ferry service. These facilities may, however, be inadequate to support new development under the LWRP and would, therefore, have to be expanded to meet the recreational, residential, commercial and other uses proposed for Riverfront Park, Long Dock, and Denning's Point.

POLICY 6

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Explanation of Policy

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

When development activities in the coastal area involve New York State, State agencies will make every effort to coordinate their permit procedures and regulatory programs with those of the City of Beacon, as well as with other involved State agencies. A similar effort for the coordination of City permits and procedures should be pursued.

Fish and Wildlife Policies

POLICY 7

Significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

A habitat impairment test must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront

revitalization program. If that proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

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

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

- destroy the habitat; or,
- significantly, impair the viability of a habitat.

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

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g. temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

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

The range of parameters which should be considered in applying the habitat impairment test includes:

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

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization of Coastal Resources and Inland Waterways Act (Executive Law of New York,

Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

POLICY 7A

The Fishkill Creek estuary and marsh shall be protected, preserved, and, where practical, restored so as to maintain its viability as a habitat.

Explanation of Policy

The Fishkill Creek Estuary and Marsh have been designated as a significant Coastal fish and wildlife habitat and as such is fundamental to assuring the survival of the fish and wildlife populations which it hosts.

Fishkill Creek is located on the east side of the Hudson River, in the City of Beacon and the Town of Fishkill, Dutchess County. The fish and wildlife habitat is an approximate one-half mile segment of this relatively large, perennial, warmwater stream, extending from its mouth on the Hudson River to the first dam upstream. A short section of the Creek, below the dam, flows over steep rocky rapids. However, most of the habitat (up to the first road bridge) is within the tidal range of the Hudson River, and contains extensive areas of mudflats, emergent marsh, and subtidal beds of aquatic vegetation. The habitat includes an approximate 80 acre shallow bay area located at the creek mouth (west of the Conrail railroad), and undeveloped portions of Denning's Point, a wooded, sand peninsula which shelters the area. Nearly all of the land area bordering Fishkill Creek, including Denning's Point, remains in a relatively natural condition. Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, invasion by water chestnut, upstream water uses, and potential effects of industrial and landfill operations located just north of the area.

Fishkill Creek is one of about 5 major tributaries emptying into the lower portion of the Hudson River estuary. The diversity of natural ecological communities, and lack of significant human disturbance in the area, provides favorable habitat conditions for a variety of fish and wildlife species. Habitat quality in the open bay portion may be reduced by extensive invasion by water chestnut. However, several rare plant species, including subulate arrowhead, and kidneyleaf mud-plantain, occur in the estuarine portion of Fishkill Creek.

Fishkill Creek is an important spawning area for anadromous fishes, such as alewife, blueback herring, white perch, tomcod, and striped bass. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to shallows near the creek mouth and other nursery areas in the Hudson River. An exception is tomcod, which spawn in the area in December and January. A substantial warmwater fish community also occurs in Fishkill Creek throughout the year. Resident species include largemouth bass, bluegill, brown bullhead, and goldfish. Fishkill Creek probably marks the northern extent of blueclaw crab (in abundance), and is occasionally used by marine fishes, such as bluefish, anchovy, silversides, and hogchoker. Freshwater inflows from Fishkill Creek play an important role in maintaining water quality (e.g., salinity gradient) in the Hudson River estuary.

The abundant fisheries resources of Fishkill Creek provide significant opportunities for recreational fishing. However, the stream channel is relatively inaccessible, and angling pressure throughout the area is light.

In addition to its importance as a fisheries resource, Fishkill Creek provides productive feeding habitats for various wildlife species. Locally significant concentrations of herons, waterfowl, furbearers, and turtles may be found in the area at almost any time of year. Fishkill Creek is reported to be a major crossing point for raptors migrating through the Hudson Valley, along the northern slope of the Hudson Highlands. Although complete data on these bird populations are not available, concentrations of osprey have been observed regularly at Fishkill Creek during spring migration. At least several of these birds appear to be summer residents at Denning's Point, and a man-made nesting platform has been constructed on the southern end of the peninsula. This is one of only 3 sites on the Hudson River where researchers are hoping to establish a breeding pair of these birds. In addition, least bittern has been reported as a probable breeding species in the marshes at the mouth of Fishkill Creek.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, alter tidal fluctuations, or increase water temperatures in Fishkill Creek would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in significant impairment of the habitat. However, efforts to control water chestnut may be desirable or necessary to maintain the ecological importance of this area. Of particular concern in this major tributary are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Clear water areas at the mouths of major tributary streams are important feeding areas for osprey during migration. Development of hydroelectric facilities or municipal water supplies should only be allowed with run-of-river operations and appropriate minimum flow restrictions, respectively. Barriers to fish migration, whether physical or chemical would have significant impacts on fish populations in the creek as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Elimination of wetlands or significant human encroachment into the area, through dredging or filling, could result in a direct loss of valuable fish and wildlife habitats.

Existing areas of natural vegetation bordering Fishkill Creek should be maintained to provide bank cover, soil stabilization, nesting and perching sites, and buffer areas. Human disturbance around Denning's Point should be minimized when osprey are in the area. It is also recommended that rare plant species occurring in Fishkill Creek be protected from adverse effects of human activities.

POLICY 8

Protect fish and wildlife resources in the (encouraged) coastal area from the introduction of hazardous wastes and other pollutants, which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

POLICY 8A

Prohibit the discharge of untreated effluent and pollutants from commercial and industrial facilities along Fishkill Creek.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. The handling (storage, transport, treatment and disposal) of the hazardous materials is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws.

The discharges from industrial facilities along Fishkill Creek should be monitored, and New York State laws should be strictly enforced where violations exist.

See also Policy 30.

POLICY 9

Expand recreational use of fish and wildlife in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them

POLICY 9A

Improve public access to the water for fishing and passive recreation uses through the acquisition of land and/or easements on the Hudson between long dock and Dennings Point, and on the banks of Fishkill Creek.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

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

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

1. Consideration should be made by City, State, and Federal agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State Law. See Policy 19 also.

POLICY 10

Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (a) encouraging the construction of new or improvement of existing on-shore commercial fishing facilities; (b) increasing marketing of the state's seafood products; and (c) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be made in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.

Explanation of Policy

As the Hudson has become less polluted, there has been a resurgence of interest in commercial fishing in the river. At this time, the presence of PCB's limits commercial fishing to shad, sturgeon and blue crab although other species are abundant. The Hudson has the potential to be a large striped bass fishery, particularly since the species is declining in the Chesapeake Bay area (currently the largest fishery for striped bass). However, at present, PCB levels in striped bass are approximately twice the limit (2 parts per million) considered safe by the federal government. PCB levels have been declining, and at some point it is expected that the commercial striped bass fishing will be re-opened.

On the local level, the docking of fishing boats and the provision of related services should be permitted where the land area is sufficient. State and City owned property along the waterfront should be encouraged to provide space for small scale commercial fishing where practicable.

Flooding and Erosion Hazards Policies

POLICY 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Explanation of Policy

Because of Beacon's location on the Hudson River, it is not subject to severe coastal erosion, as are parts of Long Island. The Flood Hazard Area (100 year flood) along both the Hudson and Fishkill Creek is

relatively narrow, and no coastal erosion hazard area has been identified in the City's waterfront area. Development in the flood plain is regulated by the City's "Flood Damage Prevention" law, which is in accord with National Flood Insurance Program Standards.

In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks. See maps adopted in conjunction with the City's "Flood Damage Prevention" law adopted in 1987.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

POLICY 12

The state coastal policy regarding preservation of erosion natural protective features is not applicable to Beacon.

POLICY 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. The Beacon shoreline is protected by ice breakers, riprap and bulkheads, construction and maintenance of which will be subject to the standards identified in this policy.

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Actions which pertain to Beacon include the failure to observe proper drainage or land restoration practices, thereby causing run-off and erosion and weakening of shorelands, and the placing of structures in identified floodways so that the base flood level is increased causing damage in other wise hazard-free areas.

While no flood hazard area has been designated for the Hudson, structures are prohibited in the Fishkill Creek floodway. Development of hillsides with grades in excess of 25 % (and thus very high erosion hazard) is also restricted.

POLICY 15

Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Explanation of Policy

Excavation or dredging in nearshore or offshore waters can deprive shorelands of their natural regenerative powers. Thus, any excavation or dredging should be done in a manner that does not cause increased erosion of the shorelands.

In Beacon, dredging of the harbor should be carefully planned and monitored to insure that disturbance of adjacent areas is kept to a minimum.

See also Policies 23 and 23A.

POLICY 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Explanation of Policy

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

POLICY 17

Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (a) the set back of buildings and structures; (b) the planting of vegetation and the installation of sand fencing and draining; (c) the reshaping of bluffs; and (d) the flood-proofing of buildings or their elevation above the base flood level.

Explanation of Policy

The non-structural measures to be employed in Beacon primarily address the adverse impacts of flooding upon development. '

As defined by the New York State Coastal Management Program, non-structural measures within identified flood hazard areas include: "(a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level".

Standards for Development within Areas of Special Flood Hazard

Any proposed development in an area of special flood hazard (also known as the 100 Year Flood Plain) must comply in all respects with the applicable provisions of the City's "Flood Damage Prevention" law. A development permit shall be obtained before the start of construction or any other development within such areas of special flood hazard.

General Policy

POLICY 18

To safeguard the vital economic social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resources areas.

Explanation of Policy

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

Public Access Policies

POLICY 19

Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.

POLICY 19A

Improve pedestrian access to the Hudson River front through the provision of pedestrian bridges over tunnels under the railroad tracks.

POLICY 19B

Repair or replace the bridge over the railroad tracks at long dock to serve riverfront park, the railroad station and long dock.

POLICY 19C

Restore water access to the beacon riverfront to enable larger vessels (i.e. the sloop Clearwater) to dock in the harbor through a program of careful dredging and stabilization of the harbor.

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access related problems, priority will be given to improving physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the State and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access.

Currently, Riverfront Park and the Harbor are the main recreation sites on the waterfront. The establishment of improved recreational facilities in recent years has helped to make the park more accessible. However, inadequate pedestrian and vehicular railroad crossings still serve to restrict the number of trips to the area. Another factor limiting its use is the inadequate parking in the waterfront as a whole.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

- b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource of facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State will not undertake or fund any projects which increase access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, agencies shall give priority in the following order to projects located:
 - a. within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation;
 - b. within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation;
 - c. outside the defined Urban Area boundary and served by public transportation; and,
 - d. outside the defined Urban Area Boundary but not served by public transportation.

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

- *Access* -- ability and right of the public to reach and use public coastal lands and waters.
- *Public water-related recreation resources or facilities* -- all public lands or facilities suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- *Public lands or facilities* -- lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- *A reduction in the existing or anticipated level of public access* - includes, but is not limited, to the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during a peak season use and such reduction cannot be reasonably justified in terms of meeting systemwide objectives.

- (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following:
 - already existing special fares (not including regular fares in any instance) of public transportation to a water-related recreation resource or facility, except where the public body, having jurisdiction over such fares determines that such fare increases are necessary;
 - and/or admission fees as such to a resource of facility and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State government established poverty level.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
- (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

POLICY 20

Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

POLICY 20A

The possibility of a pedestrian path should be explored along the railroad right-of way on the east bank of Fishkill Creek. A pedestrian path should also be encouraged from Denning's Point to Riverfront Park in a manner which provides significant opportunities to view the shoreline.

Explanation of Policy

The foreshore is the part of the shore between the high water mark and low water mark. In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous

activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking, bird watching, photography, nature study, and fishing.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

Because of the rocky nature of the riverfront and the location of the railroad tracks, the foreshore area in Beacon is narrow and often inaccessible. The lands adjacent to the foreshore in Beacon are in a mixture of public, private and railroad ownership. However, with access, some of these areas could provide the type of facilities described here.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

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

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
 - a. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely

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

4. The City and State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy. See Policies 1, 2, and 21.

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

- a. (See definitions under first policy of "access", and "public lands or facilities").
- b. A reduction in the existing level of public access - includes but is not limited to the following:
 - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or development.
- c. An elimination of the possibility of increasing public access in the future -includes but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.

- (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

Recreation Policies

POLICY 21

Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over nonwater related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to tile recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

POLICY 21A

Establish support facilities at Riverfront Park to increase its attractiveness and its capacity as an open space site for passive recreational uses including boating and fishing.

POLICY 21B

Develop the north, south, and west shorelines of the long dock peninsula including the harbor area for water-dependent recreational uses such as fishing, walking and boating.

POLICY 21C

Preserve the underdeveloped green valley floor of the Fishkill Creek for passive recreational uses including a tramway.

POLICY 21D

Establish a linear recreational path along the narrow strip of land west of the railway between long dock and Denning's Points.

POLICY 21E

Establish linear and open space recreational uses on the perimeter of Denning's Point while preserving the rest of the peninsula as a wildlife sanctuary.

POLICY 21F

Establish an access path to fisherman's point on Riverfront Park.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing as well as certain activities which are enhanced by a coastal location and increase the general

public's access to the coast. such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

The City's waterfront area is currently a valuable water-enhanced resource. Improvement and should involve the development of water-dependent activities (e.g. boat ramp and mooring facilities) to increase the waterfront's value to Beacon's residents.

The development of water-related recreation at the above locations is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, and, provided demand exists, water-related recreation development is to be increased. Such uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case by case analysis.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. The DOS, working with the Office of Parks, Recreation, and Historic Preservation and with local governments, will identify communities whose use of the shore has been so restricted and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities. There is a need for a better locational pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Water-related off-road recreational vehicle use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented, where practicable to minimize such adverse impacts. if acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posed and enforced.

The recommendations for access and specific uses relating to Denning's Point are subject to the provisions of a management plan to be completed by OPRHP.

See also Policies 23 and 23A.

POLICY 22

Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonable anticipated demand for such activities and the primary purpose of the development.

POLICY 22A

New developments along the riverfront especially at long dock, and Fishkill Creek should provide for water-related recreation, and should also set aside open space for passive recreation.

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2 % of total project cost. Such uses include boat landing facilities, fishing sites, and walking trails.

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

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

Where appropriate, new development should be clustered to preserve open space, vegetation and any significant environmental resources.

See also Policies 23 and 23A

POLICY 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities or the nation.

POLICY 23A

Encourage the restoration and adaptive reuse of large historic estates, such as the mill buildings on Fishkill Creek.

Explanation of Policy

Among the most valuable of the State's man-made resources are those structures in areas which are of historic, archeological, or cultural significance. The protection of these structures must involve recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites.

Beacon's cultural and historic heritage is among its most valuable assets. The Waterfront Revitalization Area includes several proposed historic districts and numerous individual structures which are deemed to be eligible for nomination to the National Register of Historic Places. See page II-13 for a more detailed description of historic resources in the coastal area. A number of historic buildings, including several in the High Street District, and several of the mills on Fishkill Creek are deteriorating and in need of rehabilitation.

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

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

1. A resource which is in a Federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource listed, or eligible for listing, on the National or State Registers of Historic Places.
3. A resource on or nominated to be on the State's Nature and Historic Preserve Trust.
4. An archeological resource which is on the State Department of Education's inventory of archeological sites.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.
6. A resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural,

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

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a building, structure, or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts this would include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

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

The NYS Office of Parks, Recreation, and Historic Preservation has identified the Beacon waterfront area as sensitive for the presence of archeological sites, representing settlement patterns important to our understanding of the State's prehistory and history. Any ground-modifying construction should be preceded by an archeological investigation through consultation with the State Historic Preservation Officer when necessary.

Scenic Quality Policies

POLICY 24

The state coastal policy regarding scenic resources of statewide significance is not applicable to Beacon.

POLICY 25

Protect, restore and enhance natural and manmade resources which are not identified as being of state-wide significance, but which contribute to the scenic quality of the coastal area.

POLICY 25A

The following view sheds will be protected:

1. Main Street & Route 9d
2. Beacon Street & Route 9d
3. Rombout Avenue & Route 9d
4. Route 9d & Wolcott Avenue
5. South Avenue & Route 9d
6. Denning's Avenue at South Avenue
7. Sargent Avenue at St. Lawrence Seminary
8. South Avenue '4 Num West of Denning's Avenue
9. Paye Street
10. River Street and Beekman Street
11. Southwest View from Wolcott Avenue 200 Feet West Of Bayview Avenue
12. West View from Wolcott Avenue 200 Feet West Of Bayview Avenue
13. Northwest View from Wolcott Avenue 200 Feet West Of Bayview Avenue

Explanation of Policy

The scenic quality of Beacon results from the combination of clustered buildings (many historic), and wooded hillsides against the backdrop of the Hudson Highlands. The height, bulk and scale of future buildings will be important factors in maintaining the character of the City, as will be the preservation of the wooded hillsides the intersperse the developed areas.

The State Coastal Management Program recommends that the siting and facility related guidelines outlined in Policy 24 be used to achieve this policy. While the guidelines are general, and must be adapted to individual situations, they reflect sound planning principles. See also Policies 23 and 23A.

The viewsheds to be so protected are shown and described on the following pages.

1 Main Street and Route 9D

The traffic light at the intersection of Route 9D and Main Street is the western entrance to the City's business district. Due to urban renewal demolition, the view to the west is unobstructed from an elevation of 100 feet. In the foreground the land is bulldozed stumps and some weed trees. The middle ground is dominated by Beekman Street and the old residential neighborhood of High Street. The background is a clear view of the Hudson River, the Newburgh waterfront to the City's center and the hills beyond. To the southwest, the vista is blocked by the historic Reform Church and rectory standing alone on the hill.



The viewshed from the intersection of Route 9D and Main Street can be protected by building codes which restrict the height and location of buildings. Landscaping the foreground with low flowering trees and lawn will enhance the view; the vest pocket park at the foot of Main Street is a fine example. This stretch of Route 9D is the western border of Beacon's historic district. It has been recommended to be added to the state's list of scenic highways.

2 Beacon Street and Route 9D

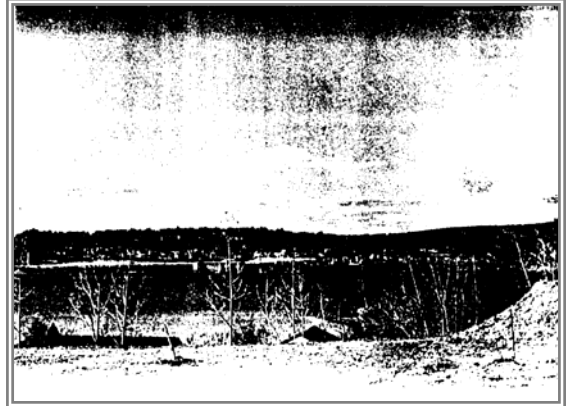
Moving south along Route 9D into the historic district, the view from Route 9D and Beacon Street is dominated by the Reform Church and rectory in the foreground to the southwest, leaving an open view to the west and northwest. The middle ground is bisected by Beekman Street. The Beacon Waterfront Park and railroad tracks and the old ferry pier are dominant. In the background is a panoramic view to the northwest dominated by the Beacon Bridge and the mountain beyond.



The west is dominated by Newburgh Bay framed by the City Center and the hills beyond. This view will be enhanced when the nibble is cleared away and replaced with low growing trees and lawn and when the old ferry slip is cleaned up.

3 Rombout Avenue and Route 9D

Moving south along Route 9D to the intersection of Route 9D and Rombout Avenue, the view is to the west. The foreground is dominated by the Reformed Church, its gazebo and graveyard. The roofs of Hammond Plaza Duplex condominiums form the middle ground. This is a fine example of siting and height which preserve the view. The middle ground is dominated by the Metro North Train station and parking lot, River Front Park, and the Beacon Sloop Club building. The background is dominated by Newburgh Bay, the City Center and the hills beyond.



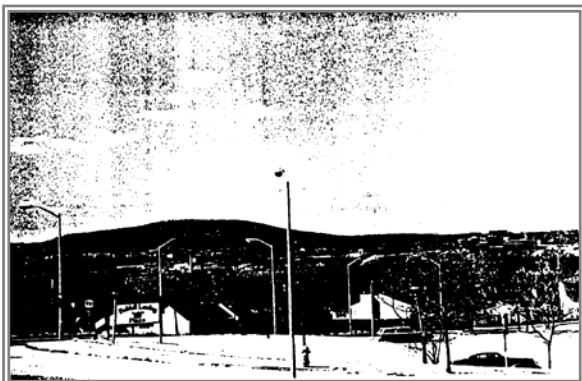
The view would be enhanced by cleaning up and landscaping the land around the church. The old ferry slip should be refurbished and made useable.

4 Wolcott Avenue and Route 9D

At the intersection of Route 9D and Wolcott Avenue, the view changes to the southwest. The foreground is dominated by the old Nabisco printing plant, surrounded by woods and the Fishkill Landing Duplex development. The middle ground is the railroad track and the wooded area along the river. The background is a panorama from southwest to south dominated by the Storm King and Breakneck mountains to the south.



The scenic quality would be enhanced by cleaning up the roadside along the sidewalk and providing benches and low growing trees. This would enhance Wolcott as a link from the waterfront to the residential and historical districts.



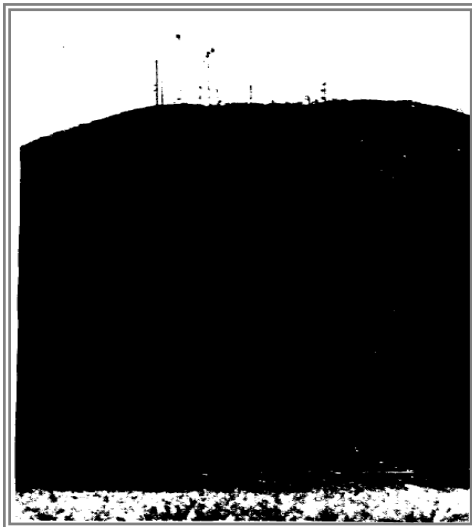
5 South Avenue and Route 9D

The panoramic view from the elevation of 100 feet is from southwest to west. The foreground is dominated by a newly constructed duplex housing development. The middle ground is all wooded space. The background is dominated by the Hudson River from Cornwall Bay to Newburgh Bay. The Newburgh waterfront Center City and the hills beyond make up the back drop for this river view.

The view would be enhanced by landscaping the foreground by preserving the open space or, at a minimum, the significant trees found there.

6 Denning's Avenue at South Avenue

The view is to the west between houses. In the foreground is a historic house and Fishkill Landing Duplex development. The middle ground is wooded. The background is Newburgh Bay and the City of Newburgh.



7 Sargent Avenue at St. Lawrence Seminary

The view from here is from the east to the southwest. In the foreground is a manicured lawn planted with low flowering trees. In the middle ground is the seminary building surrounded by trees and out buildings. The background is a panoramic view of the mountains.

Scofield Ridge in the east runs south to Breakneck Mountain. Storm King Mountain stands across a narrow unseen Hudson to form the backdrop for the scene. To the west, the foreground is dominated by the WBNR towers.

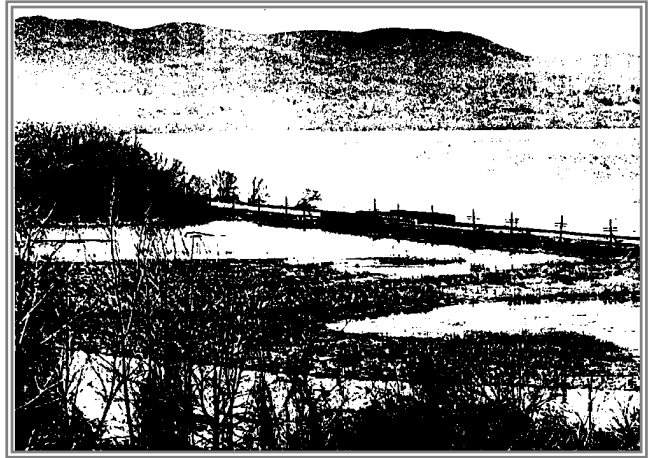


8 South Avenue 1/4 Mile West of Dennings Avenue

The view is to the west between houses. The foreground is residential backyards dominated by single family ranch houses. The middle ground is principally wooded to the river. The Hudson River and the City of Newburgh form a backdrop.

9 Paye Street

Paye Street has the only public view of the mouth of Fishkill Creek, a major fish and wildlife habitat, spawning and sport fishing area. The foreground is dominated by a railroad track running east to west and the Conrail line running north and south. Inside the track wedge lays a marsh. To the west, the southern end of Denning's Point Park. The background to the southwest is the Storm King Mountain in the center. Cornwall Bay and the fuel storage area form the coast line. The hills and woods of the town of Newburgh form the coast line. The hills and woods of the Town of Newburgh form the backdrop.



River Street and Beekman Street

The view from here is truly spectacular. Long Dock and the tracks are in the southwest foreground. The middle ground is the wooded shoreline leading into the heavily wooded Denning's Point with Polipel Island in the south. The background is a wall formed by Breakneck and Storm King Mountains. Long Dock and the tracks are in the foreground in the southwest. The middle ground is the Hudson River. The background is the waterfront center, City of



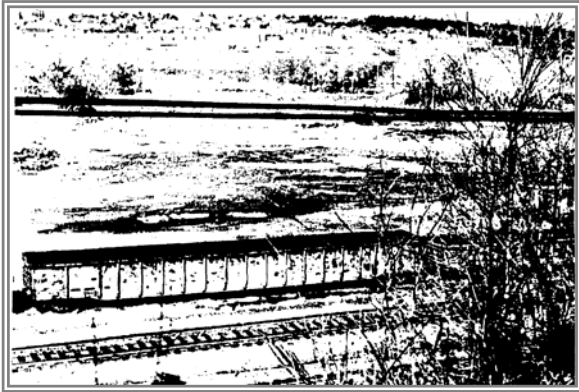
Newburgh, and hills beyond from Cornwall Bay to north of the Bridge.

10 Southwest view from Wolcott Avenue 200' west of Bayview Avenue

The view from the intersection of River and Beekman Streets is a panorama from the northwest to southwest. The foreground is dominated by the two-story Log office building to the southwest, the train station and River Front Park to the west and a new duplex development to the northwest. In the background is the Hudson River. In the southwest, the highlands frame the scene. To the west, is the City of

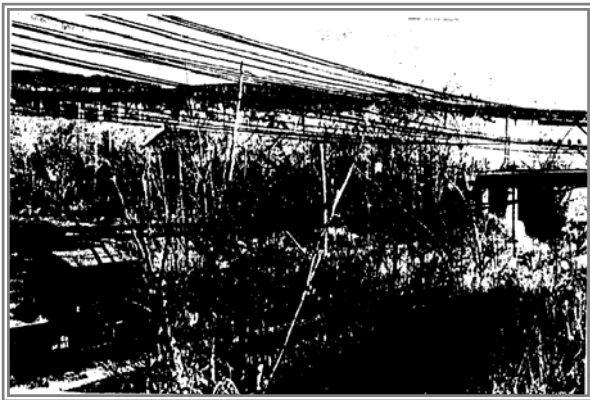


Newburgh dominated by the Library and Police Station complex on Broadway. To the northwest, the view is of the twin bridges of Interstate Route 84.



11 West view from Wolcott Avenue 2001 west of Bayview Avenue

The view to the west is of the Newburgh waterfront. The Hudson River makes up the middle ground. The view will be improved when Long Dock is cleaned- up. The hillside should be landscaped and planted with low-growing shrubs.



12 Northwest view from Wolcott Avenue 200' west of Bayview Avenue

The northwest view is dominated by the twin bridges of Interstate 84. The Hudson is in the middle ground. The foreground is of the north side of Long Dock, a section of which belongs to the City of Beacon. The view will be improved when Long Dock is cleaned up. The hillside should be landscaped and planted with low-growing shrubs.

Agricultural Lands Policy

POLICY 26

The state coastal policy regarding the conservation of agricultural lands is not applicable to Beacon.

Energy and Ice Management Policies

POLICY 27

Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Explanation of Policy

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

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

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

POLICY 28

Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

Explanation of Policy

The State requires that prior to undertaking actions required for ice management, an assessment be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats (as identified in the Coastal Area Maps), flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented. The proposed rebuilding of the ice breaks in the harbor will be subject to these requirements.

POLICY 29

The state coastal policy regarding the development of energy resources on the outer continental shelf is not applicable to Beacon.

Water and Air Resources Policies

POLICY 30

Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

POLICY 30A

The discharge of pollutants from the former Beacon landfill should be eliminated.

POLICY 30B

Discharges from the Beacon sewage treatment plant will meet state standards for secondary treatment.

Explanation of Policy

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

The City's former landfill has been capped according to State standards. Measures to monitor and contain the leachate from the landfill to prevent pollution of the groundwater and the river should be taken.

Effluent from the sewage treatment plant should meet State standards for secondary treatment. See Policy 8A regarding the discharge of pollutants into Fishkill Creek.

POLICY 31

State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Currently, the portion of Fishkill Creek within Beacon is classified as Class C. Waters of the Creek should be suitable for fishing and all other uses except as a source of water supply for drinking or food processing purposes and primary contact

recreation (swimming) Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

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

POLICY 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

POLICY 32A

Encourage the use of alternative or innovative sanitary waste systems at Riverfront Park, the harbor area at long dock and Denning's Point. Should long dock or any waterfront property be developed in the future, state of the art low flow fixtures and water saving devices should be required to reduce the demand for water and reduce the flow to the sewage treatment facilities. Developers, where practicable, should be required to follow the guidelines in the New York State municipal model water conservation plan.

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller less densely populated communities and for which conventional facilities are too expensive.

POLICY 33

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

POLICY 33A

Regulate construction in steeply sloped and high erosion areas to control excessive stormwater runoff.

Explanation of Policy

Best management practices have been defined by the New York Coastal Management Plan as including both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. High cost often prevents the replacement of combined sewer systems by separate sanitary and storm water collection systems. However, when possible financially, these actions should be pursued. Non structural methods, including stormwater runoff control through effective construction methods and the reduced use of road salt, should be used with or without structural methods.

In addition to those practices mentioned above, development on steep slopes (gradient in excess of 25 %) is regulated and clustering will be mandated in specific areas as two additional methods of controlling erosion and stormwater runoff.

POLICY 34

Discharge of waste materials from vessels into coastal waters will be limited so as to protect coastal significant fish and wildlife habitats, recreational areas and water supply areas.

POLICY 34A

New marinas will be required to provide pumpout facilities.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into New York's waters is regulated by the State. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

Water-dependent uses should provide measures to reduce the probability of contamination of waters from fuel transfers, oil and grease from bilge pumpout, hydro-carbon emissions and exhaust gases and minimize impacts from anti-fouling paints. Approved spill plans must be in place prior to marina operation. Marinas should also be designed to minimize negative impacts on water quality and tidal circulation and flushing rates.

POLICY 35

Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

POLICY 35A

Dredging shall not occur during fish spawning season and will not be carried out without a U.S. Army corps of engineers section 10 and/or 404 permit, and/or DEC part 608 and 663 permits.

POLICY 35B

Spoils should not be deposited in wetlands or significant fish and wildlife habitats as identified in the LWRP inventory.

POLICY 35D

Groundwater contamination shall be avoided.

POLICY 35E

Spoils site design will incorporate considerations for natural features, viewsheds, and shall, where feasible, conform to existing land form.

POLICY 35F

No deposition shall occur without testing of sample soils for toxicity.

POLICY 35G

Toxic or hazardous dredge spoils shall not be deposited within the waterfront boundary. The potential of worked out mines as dredge spoil sites will be investigated.

Explanation of Policy

Dredging is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. In Beacon, dredging will be essential if the use and revitalization of the harbor is to be possible. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 24, 15, 26 and 44).

POLICY 36

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Explanation of Policy

See Policy 39 for a definition of hazardous wastes.

POLICY 37

Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters.

Explanation of Policy

Best management practices which can be used to reduce nonpoint discharges in Beacon include, but are not limited to, soil erosion control practices and surface drainage control techniques including reduction in the use of road salts. A major method will be the regulation of development on steep slopes and areas with highly erodible soils.

POLICY 38

The quality and quantity of surface water and groundwater supplies will be conserved and protected particularly where such waters constitute the primary or sole source of water supply.

Explanation of Policy

Beacon's water supply comes from surface and ground water sources. Actions which will have an effect on the water supply sources must be reviewed in terms of their impacts on these sources. See policy 30A, relating to the discharge of pollutants from the former Beacon landfill area.

POLICY 39

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.

Explanation of Policy

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

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment which improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

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

Policy 30 and 30A refer to the discharge of pollutants from the former City landfill. In addition, the current practice of dumping large objects and trash at the former City incinerator should be halted, and new methods of disposal investigated.

POLICY 40

Effluent discharged from major steam electric generating and industrial facilities into facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards

Explanation of Policy

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

POLICY 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Explanation of Policy

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

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

POLICY 42

Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.

Explanation of Policy

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

POLICY 43

Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

Explanation of Policy

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

POLICY 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

POLICY 44A

Preserve and protect the Fishkill Creek marsh to maintain its many intrinsic values.

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act.

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

- habitat for wildlife and fish, including a substantial portion of the State's commercial fish and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;

- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

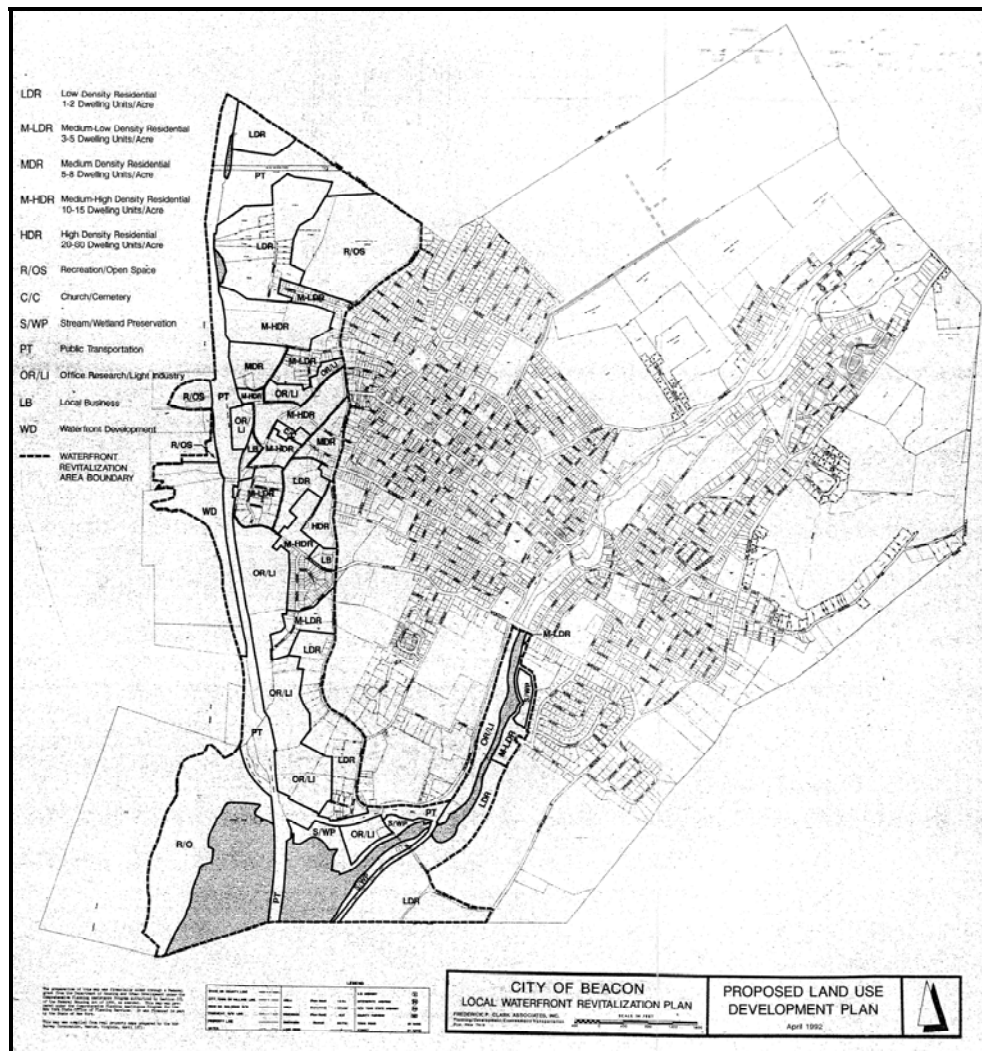
The marsh at the mouth of Fishkill Creek is a Class I Wetland (WT-I), as designated by the New York State Department of Environmental Conservation.

See Section II and Appendix A for a description of the marsh. Cross Reference Policy 7.

SECTION IV - Proposed Land and Water Uses and Proposed Projects

A. Proposed Land Use.

In 1974, the City of Beacon adopted a Development Plan, which was accompanied by a Land Use Map. During the course of developing the Local Waterfront Revitalization Program, the City has reevaluated the 1974 Plan and has proposed certain modifications as identified below.



Map 4 - Proposed Land Use Development Plan

1. The LWRP changes the predominant, proposed land use directly on the River (west of the tracks) from Industrial to Waterfront Park and Waterfront Development uses. These changes would:
 - (a) encourage revitalization of the underutilized lands at the riverfront,
 - (b) encourage public access to the waterfront, and
 - (c) encourage complementary interface between the publicly and privately owned lands at the riverfront, including a potential pedestrian linkage between Rive/front Park and Denning's Point.
2. Through development of the LWRP the Waterfront Commission has reviewed all land uses and densities in light of coastal concerns including preservation of scenic views, preservation of environmental resources, preservation of historic areas, proper separation of industrial and residential uses, and appropriate transitions from the waterfront to the upland portions of the Coastal Area.
3. Where all these factors indicated that a change should take place in land use designation, a recommendation to change the designation was made. Each of these changes is discussed more specifically below. Each land use category is considered separately.

The final revisions to the 1974 Plan are detailed in this Section and are identified on Map 4 - Proposed Land Use Development Plan (located in the map pocket at the end of the document). The changes can be briefly summarized as follows:

1. "Low" Density Residential (1-2 dwelling units per acre)

This is the lowest density residential land use classification. In the 1974 Land Use Plan, only one small area of the Coastal Area received the "Low" density designation -- an area on the west side of South Avenue just north of the Fishkill Creek. This designation has been continued in the LWRP. In fact, through the LWRP the "Low" density designation was extended back to the rear property lines to cover steeply sloped areas overlooking the Hudson that were designated for light industrial use in the 1974 Plan. This change will protect these environmentally sensitive steeply sloped areas.

Through the LWRP the following four additional areas of the Coastal Area have been included in the "Low" density residential category:

- a. Spy Hill. This area, designated for "Medium" (5-8 units per acre) in the 1974 Plan, contains a neighborhood of large Victorian homes on large lots which constitutes a cohesive architectural and historic resource. The "Low" density designation is in conformity with the density of existing development and will help to preserve the resources in this neighborhood.
- b. Monell Place Area. Although this neighborhood was designated for "Medium" (5-8) density development in the 1974 Plan, it has actually been developed at a lower density consistent with the proposed "Low" designation. Thus, the change to "Low" density is consistent with development patterns in the area.

- c. Lands north of I-84. This area was designated "Medium" (5-8) density in the 1974 Plan and is zoned R1-20. The area is not presently served with city water and sewer and derives access only through Chiappardi Place, a single-family neighborhood. The area is sloped to the river. The "Low" density designation is consistent with that being given to other property in the northern section of the City and is also protective of the slopes and greenery in the area. It is also consistent with the existing zoning. It may be possible, upon a thorough review of all circumstances, for this land to support a "High" density if the present water and sewer issues are answered to the satisfaction of the City and if satisfactory traffic access to the property is found. Any application for increased density should also fully address potential impacts on the steep slopes and vegetation and views to and from the river.
- d. Polo Fields Property This area, designated as "Medium-Low" in the 1974 Plan, is at the very southern edge of the City. The change to "Low" density residential is in conformance with proposed development in the area.

2. "Medium Low" Density Residential (3-5 dwelling units per acre)

Under the 1974 Development Plan, only a single small area of the Coastal Area was designated for "Medium-Low" density development -- Lafayette Avenue, travelling west from North Avenue to Monell Place.

Through the LWRP process, the following four additional areas have been designated for the "Medium-Low" category:

- a. Corner of South Avenue, south of Denning's Avenue. This area had been designated for "Medium" (5-8) density development in the 1974 Plan. However, the "Medium-Low" residential designation is in keeping with existing development and with the existing subdivision of the area.
- b. Bayview/Kitteridge. Although this area was designated for "Medium-High" density development in the 1974 Plan, it has been developed as an area of single-family homes at a "Medium-Low" density. Through the LWRP process this area has been changed to be in keeping with existing development of the area.
- c. High Street/North Avenue between Tompkins and Lafayette Avenues. Like the Bayview/Kitteridge area, this area was designated on the 1974 Plan for "Medium-High" (10-15 dwelling units per acre) density, but has actually been developed for single-family uses at a "Medium-Low" density. Thus, the change to "Medium-Low" is in keeping with existing land use and development. It will also respect the valuable historic resources in the High Street and North Avenue areas.
- d. Denning's Avenue. There is one additional site that has been redesignated from "Light Industrial" to "Medium-Low". This area along Denning's Avenue has been

developed for single-family homes on 1/4 acre lots. Thus, it was more appropriate to designate this area as part of the residentially designated "Medium- Low" development areas.

3. "Medium Density" Residential (5-8 dwelling units per acre)

The 1974 Development Plan designated four areas of the Coastal Area as "Medium" density residential (5-8 dwelling units per acre). Through the LWRP process changes to each of these areas to a lower density classification have been made. The areas west of South Avenue and south of Denning's Avenue have been changed partially to "Medium Low" and partially to "Low". The Spy Hill area has been changed to "Low". The small area southeast of Spy Hill (already developed) has been changed from "Medium" to "Medium-High". The Monell Place area has been changed to "Low" density, as was the lands north of 1-84. These changes are in accordance with existing development patterns and/or existing zoning.

Through the LWRP process a portion of the Coastal Area previously designated for "Medium-High" density residential (10-15 dwelling units per acre) was changed to "Medium" density residential (5-8 units per acre). This is the area located to the west of Bank Street and to the north of Branch Street known as the Prizzi property, and a small parcel surrounded by the Prizzi property. This change has been made in order to reflect the actual development potential of the subject properties for townhouse development.

An additional area of the Coastal Area previously designated for "High" density residential (20-60 units per acre) be designated as "Medium" density residential. This is the area near the old Tool and Die property/Academy Street and includes the firehouse, St. Andrews Church and the Martin Luther King Center. This change is made in order to reflect the densities present in the actual development in the area.

Thus, the LWRP has a Proposed Land Use Development Plan that has less land designated for "Medium" density residential than the 1974 Plan.

4. "Medium-High" Density Residential (10-15 dwelling units per acre)

Through the LWRP process the designation of several of the areas marked for "Medium-High" density development in the 1974 Plan has been changed. As noted above, the LWRP has changed the designation of the area to the west of Bank Street and to the north of Branch Street from "Medium-High" to "Medium". As also noted above, the LWRP has changed the designation of the Bayview/Kitteridge area from "Medium- High" to "Medium-Low". The LWRP has also changed the designation of the High Street area and the North Avenue area between Lafayette and Tompkins Avenues from "Medium-High" to "Medium-Low". These changes are consistent with development patterns in these neighborhoods. Additionally, the LWRP has changed the designation of the area across from Hammond Plaza from "Medium-High" density residential to "Local Business" in order to be consistent with the existing office uses there.

Several other areas which were designated for "Medium-High" density development in the 1974 Plan have not been changed within the LWRP.

These include Fishkill Landing South, (bounded by River Street, Beekman Street and Main Street) and the areas between Ferry Street and Beekman Street (known as Urban Renewal Parcels L and W). The Fishkill Landing South area is already developed. Parcels L and W will be developed in the future. Since this is a major vacant parcel within the Coastal Area, the planning of this site will be very important to the integrity of the LWRP. Strict architectural and design controls will be the most important factor in assuring high quality development and the preservation of views within this portion of the Coastal Area. The area to the northwest of Tompkins Avenue, also remains designated "Medium-High", as it was in the 1974 Plan. This area is fully developed, and the designation conforms to the existing developed land uses.

No new areas have been designated for "Medium-High" density residential. Thus, there has been an overall reduction in the amount of land in the Coastal Area designated for this density of land use.

5. "High" Density Residential (20-60 dwelling units per acre)

The South Davies Terrace site, designated in the 1974 Plan as "High" density, has remained the same. The other area designated as "High" density on the 1974 Plan (the Dutchess Tool and Die area) has been changed to a "Medium" density designation to conform to the pattern of existing development in the area.

6. Local Business

The 1974 Plan designated only the frontage on the north side of Wolcott Avenue east of South Avenue for local business use. As noted above, certain of the area, west of Uppers Plaza, has actually been developed for "Medium-High" density residential use. Accordingly, the LWRP has changed these areas from "Local Business" to "Medium-High" density residential.

Two other areas of the City, previously designated "Medium-High" density residential, have been changed to "Local Business" use. These include the property across from Hammond Plaza, now used for the Epstein Office building, and the property diagonally across the street at the intersection of Ferry and Beekman Streets.

7. Office Research/High Industrial

The LWRP has changed the use of some heavy industrial parcels to light industrial, and some light industrial parcels to residential and/or waterfront development uses. However, the total amount of "Office Research/Light Industrial" space on the 1974 Development Plan will remain about the same under the LWRP. Among the areas in the Coastal Area designated for "Office Research/Light Industrial" are the areas on the north side of Main Street west of North Avenue, the areas west of River Street, the Federal Paperboard (Nabisco) site, and the lands along Dennings Avenue east of the railroad

lands and west of the residential parcels. As noted above, the width of this industrial zone has shrunk somewhat since the residential use line has been moved in a westerly direction on lower South Avenue to take in more of the slopes in this area. Also, included as light industrial is the parcel at the mouth of the Fishkill Creek south of the Maryann Bridge, previously designated for heavy industrial use (Tuck Tape site).

It is recommended that the City consider performance and other standards applicable to industry in order to assure maximum protection of the public health, safety and welfare. Additionally, it is recommended that the principal and accessory uses permitted in the General Business zoning district also be allowed in the Light Industrial zone. This would expand the range of uses permitted in the Light Industrial zoning district to those appropriately found in this kind of zone.

8. Heavy Industry

The 1974 Development Plan designated the Long Dock peninsula and the area along the River east of the railroad tracks and adjacent to the Fishkill Creek for heavy industrial use. These have been eliminated. In fact, there is no more land within the Coastal Area designated for heavy industrial use. The sites near the Fishkill Creek will be better suited to sound environmental planning if redesignated for light industrial use. The "Heavy Industry" designation for Long Dock has been changed to "Waterfront Development" as a part of a plan to use underutilized riverfront land as part of a comprehensive revitalization of the riverfront area (discussed in the following section).

9. Waterfront Development

"Waterfront Development" is a new land use designation and zoning district developed as part of the LWRP. This designation is intended to encourage the revitalization of the riverfront by providing for mixed use development. It includes residential, marina, restaurant and retail uses. It is intended to bring about significant change in the character of the underutilized areas of the City's riverfront. It replaces the designation of Long Dock properties as predominantly "Heavy Industry". The "Waterfront Development" land use will encourage revitalization of the riverfront while also providing for uses that complement the existing publicly owned lands at the riverfront. The "Waterfront Development" lands, in conjunction with the publicly owned "Open Space/Recreation" lands, can be used to provide a complementary interface, including potential pedestrian linkages, between Riverfront Park and Denning's Point. More details are presented in Appendix C.

10. Recreation/Open Space

The 1974 Development Plan combines the designation of "Open Space" and "Recreation". The LWRP has continued this combination. However, it is important to distinguish active recreation uses from passive open space uses. Three areas within the Coastal Area provide opportunities for active recreation. These include the Southern

Dutchess Country Club, the City's Waterfront Park, and the old Ferry Pier. These three locations should remain available as active recreational facilities.

Since the adoption of the 1974 Plan, Denning's Point has been acquired by the State of New York (NYS Office of Parks, Recreation and Historic Preservation - OPRHP).

Accordingly, this area, previously designated on the 1974 Plan for "Heavy Industry" has now been changed to "Open Space/Recreation." The OPRHP has not yet completed studies and plans for the nature and extent, of the public uses to be provided on this site. It may be that uses will be limited to passive rather than active, or that public access will be limited due to environmental and/or safety considerations on the site.

The 1974 Plan proposed a local park in the Bayview/Kitteridge area. The LWRP has deleted this because the area is developed fully for residential uses.

The LWRP leaves the proposal intact for a local park in the Monell Place if the need arises for same in the future.

11. Mixed Use Areas

The 1974 Plan showed two mixed use areas. First, a transportation center was shown at the Railroad Station. This area has now been designated as part of the "Transportation" areas. Second, a mixed use, "High" density, residential office-business area was shown west of North Avenue from above Tompkins Avenue to just south of Beekman Street. This mixed use has been deleted. Instead, part of this area is shown as "Medium-Low" density, part as "Light Industry," and part as "Medium-High" density.

12. Utilities and Proposed Transportation Center

On the 1974 Plan, utilities included railroad lands and a proposed mixed use transportation center at the train station. The LWRP has changed that category to "Transportation" and includes not only railroad lands but also the I-84 corridor.

13. Roads

The 1974 Development Plan proposed a number of new roads. Among them was the creation of a major Road along the west bank of the Fishkill Creek to intersect with Route 9D. However, the LWRP recommends deletion (as unnecessary) of the proposed extension of Monell Place northward across I-84 into Fishkill.

The LWRP recommends construction of a local road south from Wolcott Avenue, through Federal Paperboard (Nabisco) and leading to Denning's Point, connecting with Denning's Avenue near the City Recycling Center. This would avoid the necessity of driving through densely settled residential areas to reach industrial sites.

Designation of existing roads as "Major road", "Local road", etc. remains the same as in the 1974 Plan.

The LWRP retains the proposed local road to Riverfront Park and Long Dock. The exact location of this road will require detailed study of conditions associated with the DOT bridge reconstruction project.

Four roads shown on the 1974 Plan as "proposed" have now been constructed: Route 1-84, a portion of Ferry Street and Beekman Street, the new Route 9D, and the Beekman Street Bridge Replacement over the railroad tracks. The LWRP now reflects completion of these construction projects.

B. Proposed Projects

Within the framework of the Coastal Area Proposed Land Use Development Plan, several illustrative projects are proposed to address specific Local Waterfront Revitalization Program objectives. At this time the projects are concentrated in the Beacon Harbor-Long Dock portion of the waterfront, to build on existing improvements (e.g. Waterfront Park), and concentrate on funding and activities in one major area. More proposed projects are listed in Appendix C.

The following are projects listed in order of priority which are considered necessary to restore the Beacon Harbor and Long Dock area.

1. Repair Stone Ice Break in Harbor

The stone ice break that divides the harbor has gradually deteriorated over the years. This should be repaired and rebuilt as part of the general harbor improvements. Its existence is necessary for protection of any docks and slips which will be built inside the harbor.

2. Stabilize the Southern Side of the Harbor

The bulkheading along the southern edge of the harbor is deteriorated and ineffective. This should be replaced.

3. Construct a Deep Water Boat Ramp

Plans are under consideration for this project.

4. Sewer and Water Connection Feasibility Study

Public restrooms will be needed for the convenience of those using the park, harbor, ferry dock promenade, pedestrian walkway and for the future marine, residential or commercial development of Long Dock and Denning's Point. An engineering feasibility study is needed to analyze a number of alternative methods, including ecologically benign, for providing sewer and/or water connections to the waterfront. See Policy 32A.

5. Existing Storm Drain to be upgraded

To prevent further siltation in the Beacon Harbor the storm sewer outfall, now located south of the City's Waterfront Park, should be upgraded to current state of the art technology relative to stormwater discharges.

C. Potential Projects

The following projects are considered desirable but not necessary for rejuvenation of the waterfront area, but are included in the LWRP for future consideration.

1. Dredge and Clean Harbor

The area of the harbor generally between Long Dock and the stone ice break should be dredged to permit the mooring of boats and passage of larger vessels, such as the Sloop Clearwater. Debris and unnecessary piles should be removed from this area. A program of periodically dredging should be established to ensure that the harbor and channel remain open.

2. Create Sail Harbor

Between the old ferry pier and Long Dock, there is a capacity for boat moorings. This opportunity should be pursued.

3. Construct Fishing Pier

A fishing pier should be constructed on the south side of the old ferry dock utilizing existing pilings if possible.

4. Pedestrian Walkway and Bicycle Path between Waterfront Park and Denning's Point

Create a maintained path for walking, fishing, viewing etc. along the narrow strip of land between the river and railroad tracks from the park to Denning's Point for increased accessibility to the waterfront. The path should maximize harbor view and inter-relate the pedestrian walkway with the harbor/ferry dock promenade. Full consideration should be given to handicapped access as well as obvious safety issues.

5. Park Pedestrian Overpass Feasibility Study

To facilitate neighborhood use and additional access to both the Riverfront and any future development of Long Dock, a pedestrian overpass from Main Street should be provided. To assess the possibilities of a pedestrian overpass over the railroad tracks and engineering feasibility study should be commissioned.

SECTION V-Techniques for Local Implementation of the Local Waterfront Revitalization Program

A. Local Laws and Regulations Necessary to Implement the LWRP

1. Existing Land Use Policies and Regulations

Part of the waterfront revitalization process entails an evaluation of existing policies and regulations pertaining to the waterfront revitalization area in light of the Beacon Coastal Policies found in Section III. Future land use and development in the Waterfront Revitalization Area is guided and regulated by several methods.

The 1974 City of Beacon Development Plan and the Urban Renewal Plan (revised in 1981), are policy guides for the area's long term development. The City's zoning law regulates the development of land on a more immediate basis. In addition, subdivision regulations, wetland regulations and flood hazard requirements are applicable in specific areas of the City.

a. 1974 City of Beacon Development Plan

- (1) Beacon's current Development Plan was adopted in 1974. The plan is a statement of policy which provides the framework for the City's zoning regulations. In addition to the specific land use categories contained in the plan, it also calls for the preservation of ecologically important areas (including waterbodies, wetlands, steep slope areas and hilltops) as a matter of policy. It should be noted that the plan reflects an earlier proposal to create a new Route 9D by-pass south of Wolcott Avenue. This proposal has since been abandoned. Thus, there may be a need to re-examine proposed uses in this area.
- (2) The Development Plan is most applicable to the following policies: 1, 1B, 1C, 1D, 1E revitalization of deteriorated and underutilized waterfront areas, 21, 21A, 21B, 21C, 21D, 21E, 22, 22A, the expansion of water- dependent and water-enhanced public recreation uses.

b. 1981 Urban Renewal Plan

- (1) The original General Neighborhood Renewal Plan (GNRP) was approved by the City Council in 1965. In 1968, a detailed Urban Renewal Plan was adopted for the western portion of the GNRP area (Project #1), most of which is in the Waterfront Revitalization Area. Over the next decade, almost all of the property acquisition, relocation, clearance and street and utility improvements were implemented. During the same period the State and City reached agreement on a reconstruction of Route 9D between 1-84 and Wolcott Avenue. In 1981, the Urban Renewal Plan for the City was updated in order to reflect current objectives as well as the approved realignment of Route 9D. A major

change in the revised plan is the limiting of building height to two and one-half stories (4 stories where the topography would make this impractical) instead of the 10 stories permitted in the original plan. This is in line with City's desires to preserve water views.

- (2) The Urban Renewal Plan may again need updating since 1981 to more closely reflect recent planning philosophies which will be adopted with the Local Waterfront Revitalization Program. The following policies will be enforced through the Urban Renewal Plan: 1, 1C, 4, 5, regarding the development of waterfront parcels.

c. Zoning Ordinance

- (1) The zoning law regulates the use and development intensity of land. As a legal means of control it must reflect the interests of the City. Within the coastal boundary exist mostly residential and industrial districts.
- (2) This law deals most closely with the development of the waterfront, (Policy 1), but also attempts to protect the environmentally sensitive areas of Beacon.

d. Subdivision Regulations

- (1) The City of Beacon has subdivision regulations which govern the subdivision of land for development. The power to approve with modifications or disapprove subdivision applications rests with the Planning Board. Subdivision plans must conform to the requirements of the zoning regulations. Plans detailing proposed roadways drainage systems, open space, grading, erosion controls, and utilities are required. In addition, the regulations require the preservation of natural features possessing ecological, aesthetic or scenic value (e.g. wetlands, water courses, rock formations, historic features, valuable tree stands).
- (2) Subdivision regulations, as a means of land use control, will enforce the same policies enforced by the zoning regulations.

e. City Environmental Quality Review Law

- (1) This local law was adopted to implement the State Environmental Quality Review Act. It provides a mechanism for the City to determine and assess the impacts upon the environment of a specific development or action. The local law allows a more in-depth analysis by the lead agency of the development through the use of the local Environment Assessment Form and review process.
- (2) This local law implements and enforces many policies described in the LWRP, especially Policies 1B, 1D, 2, 2A and 5 as they relate to the conscious development of waterfront areas; Policy 8 which protects fish and wildlife from the introduction of hazardous waste materials; Policies 11 and 13-17 as they relate to flood hazards; Policy 18 regarding proposed major actions; Policy 23, involving protection of historic sites; Policies 24, 25 and 25A in the protection of Beacon's scenic resources; Policy 27, regarding the siting of energy facilities; and Policies 30, 30A, 30B, 33, 33A and 35-41 pertaining to water and air resources.

f. Flood Hazard Regulations

- (1) Beacon fully participates in the National Flood Insurance Program (NFIP) which is administered by the Federal Emergency Management Agency (FEMA) to provide flood insurance to property owners in participating localities.

There are two phases in the NFIP: the emergency phase and the regular phase. The regular phase of the program is based on a Flood Insurance Rate Map (FIRM) which shows the boundaries of flood hazard areas and anticipated flood levels within them. The emergency phase of the program relies on a less precise Flood Hazard Boundary Map (FHBM) which shows the approximate boundary of the 100 Year Floodplain. Beacon is a member of the regular phase of the NFIP, and as such has been issued a detailed FIRM (effective date: March 1, 1984).

In 1984 the Beacon City Council enacted local law Number 1 of the year 1984 entitled "A Local Law for Flood Damage Prevention." This law was part of a nation-wide comprehensive regulatory system for controlling development within flood plain areas, also called "areas of special flood hazard." The law defined areas of special flood hazard based upon a scientific and engineering report prepared by the Federal Emergency Management Agency (FEMA) entitled "The Flood Insurance Study for the City of Beacon, of Dutchess County, New York", dated September 1, 1983 with accompanying Flood Boundary and floodway Maps. This Study is more up-to-date than the previous HUD maps which had been used in the earlier zoning regulations. The FEMA study also uses different terms than the HUD maps, including "area of special flood hazard", "floodway", etc. These terms are defined within the law and conform to national standards. This law requires a "Development Permit" for any proposed development within the 100 Year Flood Plain ("area of special flood hazard"). These permits are granted or denied by the City's Commissioner of Public Works. The Zoning Board of Appeals is empowered to hear any appeals from the Commissioner's decision and entertain applications for a variance from the provisions of the law.

In 1987 the City Council enacted Local Law Number 1 of the year 1987 entitled "A Local Law for Flood Damage Prevention." This law brought up to date the applicable standards for development in areas of special flood hazard in order to comply with applicable Federal criteria. Although the previous provisions of the 1963 Zoning Law were inconsistent and incompatible with the terminology and regulatory system established by the Flood Damage Prevention Law of 1987, the zoning provisions were never amended to bring them into conformity with the newer provisions.

During the City's work on the Local Waterfront Revitalization Program this inconsistency between the Zoning Law and the later enacted Flood Damage Prevention Law of 1987 was discovered. Accordingly, the regulations of the Zoning Law have been made consistent with the regulatory scheme established by the Flood Damage Prevention Law (Local Law Number 1 of the year 1987).

- (2) This implements and enforces the LWRP by relating to the flood hazard prevention policies such as 11, the siting of structures to minimize damage; Policy 14 which prevents and increase in flooding and Policy 17, the use of nonstructural measures to minimize flood damage.

g. Waterfront Commission Regulations

- (1) The City of Beacon has adopted a local law which created a body of seven members known as the "Waterfront Conservation and Development Commission." The purpose of the commission is to encourage the preservation, conservation and development of historic, recreational and natural resources along the Hudson River by making recommendations to the City Council to establish and enforce rules and regulations to preserve and sensitively develop the waterfront.

The Commission is made up of seven members appointed by the City Council. At all times the City Commissioner of Public Works is to be a member. The chairperson of the Beacon Recreation Commission shall also be a member.

- (2) The Waterfront Commission will be advisory to the City Council and an implementing body for the LWRP and therefore will relate to all of the policies stated in Section III.

2. New or Revised City Laws and Regulations

a. Revisions to the 1981 Urban Renewal Plan

- (1) The Urban Renewal Plan was revised to assure consistency of proposed actions with the policies and purposes of the LWRP. Most of the changes involved a reduction of building densities. Since the Urban Renewal Project Area's topography includes steep slopes, the reduction in density will help protect these slopes.
- (2) Revision of the Urban Renewal Plan will secure consistency with the development Policy 1D to redevelop the Urban Renewal area in an environmentally sensitive manner.

b. Revisions to the Zoning Regulations and Map

Summary of Zoning Changes

In order to implement the LWRP and the changes in the Land Use Plan certain zoning changes have also been made.

In many instances the zoning has remained the same since it is in accordance with existing development. In most situations, changes in zoning were made where it was more in accordance with existing development or proposed development than was the previous zoning. In other instances, changes were made to effectuate the LWRP by encouraging development which is more in keeping with coastal goals and protection of coastal resources. An example is the change from "Light Industrial" to "Residential" of the steeply sloped banks of the Hudson River west of South Avenue. Another is the change from "Heavy Industrial" to "Light Industrial" of several parcels east of the railroad tracks.

However, the most significant change in zoning is along the City's riverfront. Most of this area was previously zoned for "Heavy Industrial" use. The LWRP changes this zoning by eliminating all "Heavy Industrial" districts and replacing them with two new waterfront zones which were developed as an integral part of the LWRP -- the "Waterfront Park" and "Waterfront Development" zoning districts. These zoning districts are discussed below:

R1-40 Zoning District This is the lowest density residential zone in the City. Prior to the LWRP, only the Southern Dutchess Country Club area and a section of South Avenue across from Wodenethe and Rosenethe were zoned R1-40. Through the LWRP two additional areas have been rezoned R1-40. The first is Spy Hill (previously zoned RD-3). The R1-40 zone is more consistent with the density of existing development and the value of the historic resources located in the Spy hill area. The second is an area in the very southerly section of the City known as the "Polo Fields", previously zoned R1-20. The R1-40 designation is more appropriate to the density of proposed development in this area and more consistent with the surrounding uses and the proximity to Fishkill Creek.

Additionally, through the LWRP the previous R1-40 zone along the westerly side of South Avenue has now been extended in depth to include a portion of lands (previously zoned "Light Industrial") along the steeply sloped areas overlooking the Hudson.

R1-20 Zoning District There were no changes made in the areas zoned R1-20.

R1-10 Zoning District Under the previous zoning scheme, only the area to the west of South Avenue and along Denning's Avenue was designated as R1-10.

Through the LWRP, the Bayview/Kitteridge area, previously zoned RD-3, was rezoned to R1-10. This zone is much more in keeping with existing development.

R1-7.5 Zoning District Through the LWRP the R1-7.5 zoning in the vicinity of Lafayette Avenue and the westerly frontage along North Avenue was expanded and extended to include the High Street area (previously zoned RD-3). This change in zoning made this area much more consistent with existing development. Additionally, a very small triangle of land in the High Street area, previously zoned "Light Industrial", was changed to be part of the R1-7.5.

The old Tool and Die Works area, including the firehouse, St. Andrews Church and Martin Luther King Center, was changed from RMR-1.5 to R1-7.5 to be more consistent with patterns of existing development. A small area south of Rombout Avenue, previously zoned RD-3, was changed to R1-7.5.

RD-6 Zoning District	Through the LWRP an area to the west of Bank Street and to the north of Branch Street known as the Prizzi property, and a small parcel surrounded by the Prizzi property were rezoned from RD-3 to RD-6. These properties are rugged in terrain, which effectively limits their future redevelopment potential. The RD-6 density is in keeping with the actual development potential of the properties for the dwelling unit type (townhouses) most likely to be constructed on the sites.
RD-3 Zoning District	As described above, certain areas previously zoned RD-3 changed to lower densities. Other areas, including Fishkill Landing North and Fishkill Landing South, remained RD-3. Through the LWRP the lands between Ferry Street and Beekman Street (Urban Renewal Parcels "L" and "W" and including Hammond Plaza) were rezoned from RMF-1.5 to RD-3. The RD-3 zone is consistent with proposed development plans that have been submitted to the City and conforms to the presently existing land use designation. Since this is a major vacant parcel within the Coastal Area, the planning of this site will be very important to the integrity of the LWRP. Strict architectural and design controls will be the most important factor in assuring high quality development and the preservation of views within this portion of the City's Coastal Area.
RD-1.8 Zoning District	Only the Community Interfaith Housing Development west of South Avenue and east of South Davies Terrace is designated for RD-1.8 zoning. The area is already fully developed.
LB Zoning District	The area previously zoned for "Local Business" south of the intersection of Beekman Street and Ferry Street, is a triangle of land presently the site of the Epstein Law Offices. Through the LWRP this zoning district was extended to include a small parcel across Beekman Street previously zoned "GB". The uses permitted in the "LB" zone are more appropriate to the size of this site and the nature of the surrounding area. The Loopers Plaza area continues to be zoned "Local Business", as does a small property on Beekman Street opposite lower Main Street.
LI Zoning District	<p>As noted above certain areas previously zoned as "Light Industrial" have been changed to less intensive districts. These include the steeply sloped areas of the banks west of the residential area on South Avenue (rezoned from LI to R1-40) and the area on Denning's Avenue, rezoned from LI to R1-10.</p> <p>Additionally, several areas previously zoned for "Heavy Industrial" use have been rezoned to "Light Industrial". These include the areas south of the Fishkill Creek and the parcel of land on River Street just beyond its intersection with Main Street. Thus, overall, the portion of the City zoned for "Light Industrial" use remains about the same.</p>

In addition, the City has amended the Schedule of Regulations for Non-Residential Districts in the Zoning Regulations so as to allow the principal and accessory uses permitted in the General Business zoning district to be permitted in the Light Industrial zone as well. This expands the range of uses permitted in the Light Industrial zoning district to those appropriately found in this kind of zone.

HI Zoning District

The "Heavy Industrial" zoning designation has been removed from all properties within the City's Coastal Area as discussed in other sections.

WD and WP Zoning District

New Waterfront Zones -A central goal of the LWRP is to revitalize the City's riverfront, encourage appropriate recreational and open space uses of publicly owned land at the river and encourage the revitalization of presently underutilized, privately owned lands at the riverfront. In order to do this, through the LWRP two riverfront zones -- Waterfront Park and Waterfront Development have been developed and adopted. The "Waterfront Park" designation covers all of Riverfront Park, the old Ferry Landing, the City-owned lands at the north shore of Long Dock and encompasses the abutting lands of the railroad. This area was previously zoned Heavy Industrial.

Denning's Point, which also was previously zoned "Heavy Industrial" has been rezoned to "Waterfront Park". This area includes the peninsula itself and the estuary area of the Fishkill Creek.

The remaining areas of the Waterfront which are privately owned, have been zoned "Waterfront Development". This zoning district will encourage revitalization of the riverfront area by promoting mixed use development including residential, marina, restaurant, and small scale retail to serve adjoining uses and the commuter railroad population. These will complement the uses that exist at Waterfront Park and future uses planned for the City's harbor area. Both encourage the provision of pedestrian linkages between Waterfront Park and Denning's Point.

As noted above, the Zoning Law was also amended to eliminate inconsistencies with the later-enacted Flood Damage Prevention Law (see item A(1)(f) above).

The zoning revisions will assist in the implementation of the LWRP in their relation to Policies 1, 1A, 1B, 1C, 2, 4, 4A and 4B regarding development along the waterfront, Policy 18 in the protection of coastal areas, Policies 19, 19A, 19B and 20A in the provision of public access along the waterfront, Policies 21, 21A, 21B, 21C, 21D, 21E, 22 and 22A in the enhancement and encouragement of recreational areas, Policies 23 and 23 A in the protection of significant historic and cultural

structures and sites, and Policies 25 and 25A to preserve the scenic quality of the local topography and character of the city.

c. Adoption of a Local LWRP Consistency Review Law.

A Local LWRP Consistency Review Law will assure that local agencies act consistently with the LWRP. Consistency determinations will be made by each agency with jurisdiction or by the lead agency (SEQRA) if there is more than one involved agency. This local law helps implement all LWRP Policies and the proposed land and water uses identified within the LWRP.

d. City Historic Preservation Law.

This local law is designed to protect individual structures, buildings, sites or objects designated as architecturally or historically significant or located in an area of the City designated as an Historic Preservation District. It establishes a system for reviewing alterations and demolitions. This local law helps implement State Policies 23 and 23A which are concerned with the preservation of historic and scenic resources.

e. Architectural Review Law.

The architectural and design elements of new construction within the Coastal Area are among the most important factors in evaluating such proposals. This local law provides for review of these elements as part of the site plan and special permit processes.

f. Harbor Management Law

This local law will regulate the speed, use, operation, anchoring, and mooring of vessels, and the use of waters within the jurisdiction of the City of Beacon in a manner to protect and promote the public health, safety and general welfare. (This law can be found in Appendix C as Chapter 33 Harbor Management.)

B. Other Public and Private Actions Necessary to Implement the LWRP

1. Local Government Actions

a. Allocation of the City's Community Development Block Grant Funds to Coastal Area.

- (1) Community Development funding still remains available although funding levels decline yearly. It is primarily allocated to the City through the Dutchess County Consortium. Potentially, funds can be used for public acquisition of waterfront property, repairing of bridges, and park improvements as well as residential and commercial rehabilitation.
- (2) Community Development funding used for projects mentioned in Section IV would implement a range of policies, most specifically the following: Policies 1, 2, and 2A with regard to waterfront development, 9, 9A, 9B, 19B 19C and 20 concerning public access and recreational use of the waterfront.

- b. City Utilization of Infrastructure Funding
 - (1) Beacon should pursue the use of Federal Aid Primary monies and Urban Mass Transit funding for the improvement of local roads, bridges and the train station.
 - (2) Utilization of infrastructure improvement funding primarily relates to Policy 5, ensuring that public facilities are adequate to serve current and proposed development.
- c. Provisions of In-kind Services to Promote Private Projects
 - (1) Beacon can assist in the development of its coastal area by providing funding and/or providing in-kind services to private owners or developers. In-kind services mean giving expert advice, labor, the use of equipment, etc.
 - (2) Provision of funds and in-kind services implements several policies, specifically by promoting. Policies 1, 2 and 5 in the revitalizing of the waterfront and improving public facilities to serve current and proposed development.

2. Private Actions.

Development of Long Dock

Private development of Long Dock as a mixed use project incorporating residential, commercial and water related uses will implement the LWRP as it related to policies which are concerned with the development of the coastal area such as Policies 1A, 2 and 2k

3. Joint Public and Private Actions.

Utilization of Hudson River Foundation Funding

- (1) This foundation supports the Hudson River Improvement Fund which sponsors physical improvement projects to enhance public use of the Hudson River. Applications can be made by non-profit (tax exempt) groups or governmental bodies three times a year for funding for waterfront projects. The Beacon Sloop Club has an ongoing relationship with the City in efforts to find funding assistance for riverfront facilities and an improved harbor.
- (2) Utilization of Hudson River Improvement funding has wide policy implications but most specifically relates to Policies 1, 2, and 5 at they relate to the development of the waterfront to encourage public use for educational recreational purposes.

4. Other Public Actions.

State Freshwater Wetland Regulations

New York State has a comprehensive wetland regulatory program administered through the Department of Environmental Conservation (6 NYCRR Part 663-664), which will serve to protect significant wetlands from encroachment by development and other actions which could degrade these resources.

C. Management Structure to Implement the LWRP

1. Responsibility for Overall Management and Coordination of LWRP and Specific Responsibilities for Implementation.

Implementation of the LWRP will require the cooperation of various city officials and agencies.

- (a) The City Council is the City's legislative and policymaking body. As such, the Council shall be the primary agency responsible for overall management and coordination of the LWRP. The Beacon City Council has the authority to approve and fund, or secure funding for, specific improvements necessary to implement the LWRP.
- (b) The Mayor shall be the chief contact person to receive notification on behalf of the city from State and Federal agencies planning actions in the Waterfront Area.
- (c) The Planning Board shall continue to be the agency chiefly responsible for site plan and subdivision reviews within the City, including the Waterfront Area, and also shall make recommendations to the City Council, upon referral, regarding proposed zoning amendments within the City including the Waterfront Area.
- (d) The Waterfront Conservation and Development Commission, created in 1981 as a body accountable to the City Council, shall at all times advise the City Council, the Planning Board and other City agencies regarding the implementation and day to day management and coordination of the LWRP. The Commission shall also accept referrals from City agencies regarding the consistency of proposed actions with the LWRP. The Commission may also solicit new funding sources, propose development projects and work with other City agencies to accomplish the goals of the LWRP.
- (e) The Community Development Agency will carry out and coordinate urban revitalization responsibilities for funding or assisting in funding of a variety of projects or programs with the Urban Renewal Project No. 1 area.

All agencies of the City will maintain their present responsibilities for programs, projects and regulations.

2. Procedures for Reviewing Local Actions for Consistency with LWRP.

Local actions proposed for the Waterfront Area will be reviewed in accordance with SEQRA procedures and existing land use controls and with the policies and purposes stated in the Local Waterfront Revitalization Program.

Each City agency will be responsible for determining whether its actions are consistent with the LWRP.

If the agency determines that the action does not conform with the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

- a. No reasonable alternatives exist which would permit the action to be undertaken in a manner which conforms to 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 to the maximum extent practicable.
- c. The action will advance one or more of the other coastal policies.
- d. The action will result in an overriding City, regional or State-wide public benefit.

Such a finding shall constitute a determination that the action is consistent.

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

The consistency review shall take place in the context of the SEQR review process.

Where two or more City agencies are involved in an action, the consistency determination will be made by the lead agency.

Local agencies shall also assert their best efforts to assure that coastal resources are properly considered during the SEQRA review process.

Any agency, private group or individual proposing a "Type 1" or "unlisted" action as defined by the State Environmental Quality Review Act within the boundaries of the approved LWRP will be required to complete a Coastal Assessment Form (CAF) in addition to an Environmental Assessment Form. This process will assist the Waterfront Commission and the lead agency to determine whether or not proposed actions are consistent with the City's coastal policies as presented in the LWRP.

The CAF will be distributed to all agencies and made part of or attached to regular applications for projects within the City.

3. Procedures for Reviewing State Actions for Consistency with LWRP.

The Waterfront Revitalization of Coastal Resources 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. These guidelines are intended to assist State agencies in meeting that statutory consistency obligation.

The Act also requires that State agencies provide timely notice to the City 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.

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.

a. Notification Procedure.

- (1) When a State agency is considering an action, the State agency shall notify the Mayor.
- (2) Notification of a proposed action by a State agency.
 - (a) Shall fully describe the nature and location of the action.
 - (b) Shall be accomplished by use of either the State Clearinghouse, other existing State agency notification procedures, or through any alternative procedure agreed upon by the State agency and local government.
 - (c) Should be provided to the Mayor 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.
- (3) If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Mayor can serve as the State agency's notification to the local government.

b. Local Government Review Procedure.

- (1) Upon receipt of notification from a State agency, the Mayor shall be responsible for evaluating a proposed action against the policies and purposes of the approved LWRP. In doing so, the Mayor may consult with the Waterfront Commission for recommendations.
- (2) If the City cannot identify any conflict between the proposed action and the applicable policies and purposes of the approved LWRP, the Mayor should inform the State agency in writing of the City's finding. Upon

receipt of such finding, the State agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

- (3) If the Mayor does not notify the State agency in writing of the Commission's 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 approved LWRP.
- (4) If the Mayor notifies the State agency in writing that the proposed action does conflict with the policies and/or purposes of the approved LWRP, the State agency shall not proceed with the action for a period of 90 days or until the identified conflicts have been resolved, whichever is earlier. The Mayor 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 City shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

c. *Resolution of Conflicts.*

- (1) In accordance with the procedural guidelines issued by the Department of State the following procedure shall apply whenever the City has notified the Secretary of State and the State agency that a proposed action conflicts with the policies and purposes of its approved LWRP.
 - (a) Upon receipt of notification from the City that a proposed action conflicts with its approved LWRP, the State agency should contact the City to discuss the content of the identified conflicts and the means for resolving them. A meeting of State agency and City 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 City.
 - (b) If the discussion between the City and the State agency results in the resolution of the identified conflicts, the State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600. The City 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.
 - (c) If the consultation between the City 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 City 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.

- (d) 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 the City.
- (e) 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.
- (f) The State agency shall not proceed with the proposed action until both the Secretary's findings and recommendations have been received, or 90 days from the date a notification of a conflict was received from the Mayor, whichever is earlier

4. Procedures for Department of State and City Review of Federal Actions for Consistency with the LWRP.

a. *Permits and Licenses.*

- (1) The Department of State (DOS) will acknowledge the receipt of an applicant's consistency certification and application materials, and at the time, forward a copy of the submitted documentation to the Mayor.
- (2) Within thirty (30) days of receiving such information the Mayor or his/her designated representative will contact the assigned DOS reviewer to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
- (3) When the DOS and City agree that additional information is necessary, the DOS will request the applicant to provide the information. A copy of this information will be provided to the Mayor upon request.
- (4) Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the DOS reviewer, whichever is later, the Mayor will notify DOS of the reasons why a proposed action may be inconsistent or consistent with the City coastal policies.
- (5) After that notification, the Mayor will submit his/her written comments and recommendations on a proposed permit action to the DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end

of the public comment period, DOS will presume that the City has no opinion on the consistency of the proposed action with City coastal policies.

- (6) If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Mayor on a proposed permit action, DOS will contact the Mayor or his/her designed to discuss any differences of opinion prior to issuing its letter of "concurrence" or "objection" to the applicant.
- (7) A copy of the DOS "concurrence" or "objection" letter to the applicant will be forwarded to the Mayor.

b. Direct Actions

- (1) After acknowledging the receipt of a consistency determination and supporting documentation from a Federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the Mayor and other interested parties.
- (2) This notification will state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
- (3) The review period will be about twenty-five (25) days. If comments and recommendations are not received by the end of the established review period, DOS will presume that the City has "no opinion" on the consistency of the proposed direct Federal agency action with City coastal policies.
- (4) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Mayor, DOS will contact the Mayor to discuss any differences of opinion or questions prior to agreeing or disagreeing with the Federal agency's consistency determination on the proposed direct action.
- (5) A copy of the DOS "agreement" or "disagreement" letter to the Federal agency will be forwarded to the Mayor.

c. Financial Assistance

- (1) DOS will request information on a proposed financial assistance action from the applicant (State or City agency) for consistency review purposes. A copy of this letter will be forwarded to the Mayor and will serve as notification that the proposed action may be subject to review.
- (2) If the applicant is a City agency, the Mayor will contact the agency and request copies of any application documentation for consistency review

purposes. If the proposed action has already been reviewed by the Commission for consistency with the LWRP, the Mayor will notify DOS of the outcome of that review.

- (3) The Mayor will acknowledge receipt of the requested information and send a copy to the DOS.
- (4) If the applicant is a State agency, DOS will request the agency to provide a copy of the application documentation to the Mayor.
- (5) The DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Mayor.
- (6) The review period will conclude thirty (30) days after the date of the Mayor's or DOS' letter of acknowledgement.
- (7) The Mayor must submit his/her comments and recommendations on the proposed action to DOS within twenty (20) days from the start of the review period. If comments and recommendations are not received within that twenty-day period, DOS will presume that the City has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
- (8) If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the Mayor, the DOS will contact the Mayor to discuss any differences of opinion prior to agreeing or objecting to the Federal agency's consistency determination on the proposed financial assistance or action.
- (9) A copy of DOS' "no objection" or "objection" letter to the applicant will be forwarded to the Mayor.

D. Financial Resources Necessary to Implement the LWRP.

Financing the implementation of the LWRP falls into two broad categories: (1) day- day-to-day management of the program; and (2) development of long-term projects and program refinement.

The City has traditionally operated on the basis of residents volunteering to serve on boards to implement local laws, such as zoning and planning, or to promote important activities. The LWRP was prepared by such a volunteer citizen group.

The operating costs of these local boards are provided by the City government. The operating expenses of the Waterfront Commission will be absorbed into regular budgets of the City. Operating expenses will be offset by coordinating as much as possible, the activities of the Commission with existing boards.

The long-term projects and program refinement activities proposed in Part IV will qualify for funding support from State, Federal and private sources. The City, with the guidance of the Commission, will pursue support from these other sources. The Commission and the municipal government will work

closely with the DOS Division of Coastal Resources and Waterfront Revitalization to secure these outside funds.

SECTION VI - State and Federal Actions and Programs Likely to Affect Implementation

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

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

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

A. State and Federal Actions and Programs which should be undertaken in a Manner Consistent with the LWRP

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

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

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park - Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer's and Wholesaler's Licenses
 - 1.08 Club Beer, Liquor, and Wine Licenses
 - 1.09 Distiller's Licenses
 - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
 - 1.11 Farm Winery and Winery Licenses 1.12 Hotel Beer, Wine, and Liquor Licenses
 - 1.13 Industrial Alcohol Manufacturer's Permits
 - 1.14 Liquor Store License
 - 1.15 On-Premises Liquor Licenses
 - 1.16 Plenary Permit (Miscellaneous-Annual) 1.17 Summer Beer and Liquor Licenses
 - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
 - 1.19 Vessel Beer and Liquor Licenses 1.20 Warehouse Permit
 - 1.21 Wine Store License
 - 1.22 Winter Beer and Liquor Licenses
 - 1.23 Wholesale Beer, Wine, and Liquor Licenses

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

NEW YORK STATE BRIDGE AUTHORITY

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

DEPARTMENT OF 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

City of Beacon Local Waterfront Revitalization Program

ENERGY PLANNING BOARD AND ENERGY OFFICE

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:
 - Air Resources
 - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
 - 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
 - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
 - 9.04 Permit for Burial of Radioactive Material

9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer 9.06 Permit for Restricted Burning

9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

9.09 Certificate to Possess and Sell Hatchery Trout in New York State

9.10 Commercial Inland Fisheries Licenses

9.11 Fishing Preserve License

9.12 Fur Breeder's License

9.13 Game Dealer's License

9.14 Licenses to Breed Domestic Game Animals

9.15 License to Possess and Sell Live Game

9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)

9.17 Permit to Raise and Sell Trout

9.18 Private Bass Hatchery Permit

9.19 Shooting Preserve Licenses

9.20 Taxidermy License

Lands and Forest

9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)

9.22 Floating Object Permit

9.23 Marine Regatta Permit

9.24 Mining Permit

9.25 Navigation Aid Permit

9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)

9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects

9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

9.30 Underground Storage Permit (Gas)

9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

9.32 Digger's Permit (Shellfish)

9.33 License of Menhaden Fishing Vessel

9.34 License for Non-Resident Food Fishing Vessel

9.35 Non-Resident Lobster Permit

9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits

9.37 Permits to Take Blue-Claw Crabs 9.38 Permit to Use Pond or Trap Net

- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
Regulatory Affairs
- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a
Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals
- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration

Solid Wastes

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

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
 - 9.59 Certificate of Approval of Realty Subdivision Plans
 - 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
 - 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention
and Control Plan
 - 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
 - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards
Areas
 - 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards
Areas
 - 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
 - 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan. 11.00 Preparation
and revision of Continuous Executive Program Plan. 12.00 Preparation and revision of
Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.

2.00 Financial assistance/grant programs

3.00 Model Greenway Program

4.00 Greenway Trail activities

DEPARTMENT OF HEALTH

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

2.00 Permit and approval programs:

2.01 Approval of Completed Works for Public Water Supply Improvements 2.02 Approval of Plans for Public Water Supply Improvements.

2.03 Certificate of Need (Health Related Facility - except Hospitals) 2.04 Certificate of Need (Hospitals)

2.05 Operating Certificate (Diagnostic and Treatment Center) 2.06 Operating Certificate (Health Related Facility)

City of Beacon Local Waterfront Revitalization Program

- 2.07 Operating Certificate (Hospice)
- 2.08 Operating Certificate (Hospital)
- 2.09 Operating Certificate (Nursing Home)
- 2.10 Permit to Operate a Children's Overnight or Day Camp 2.11 Permit to Operate a Migrant Labor Camp
- 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer 2.13 Permit to Operate a Service Food Establishment
- 2.14 Permit to Operate a Temporary Residence/Mass Gathering
- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs) 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

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

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL

- 1.00 Greenway planning and review
- 2.00 Greenway Compact activities
- 3.00 Financial assistance/grants program
 - 3.01 Model Community Program

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit

7.03 Navigation Aide Permit

7.04 Posting of Signs Outside State Parks

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)

3.03 Operating Certificate (Enriched Housing Program) 3.04 Operating Certificate (Home for Adults)

3.05 Operating Certificate (Proprietary Home) 3.06 Operating Certificate (Public Home)

3.07 Operating Certificate (Special Care Home) 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

4.01 Billiard Room License

4.02 Cemetery Operator

4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

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)

NEW YORK STATE THRUWAY AUTHORITY

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

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) Barge Canal
 - (e) 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)
- 3.03 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 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])
 - 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and subarea or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

2. Federal Agencies - Direct Federal Activities and Development Projects

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATNP).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines-over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL AGENCIES - FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants

- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, DI, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodel Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments

- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology- Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Area-wide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants

66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

B. Federal and State Programs Necessary to Further the LWRP

The development of a viable, successful waterfront program depends on all levels of government working to implement the policies stated in Section DI of this document. The following indicate actions of the State and Federal governmental agencies necessary for implementation of Beacon's Local Waterfront Revitalization Program.

1. State Agencies

DEPARTMENT OF ECONOMIC, DEVELOPMENT

- A. Any action or provision of funds for the development or promotion of tourism related activities.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- A. Development, construction, renovation, or expansion of recreational facilities/projects.

OFFICE OF GENERAL SERVICES

- A. Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

- A. Provision of funding for the Greenway projects and planning, including the Hudson River Trail.

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL

- A. Provision of funding for Greenway projects and planning.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

- A. Planning, construction, renovation, expansion or provision of funding for recreational facilities.
- B. Provision of funding for State and local activities from the Land and Water Conservation Fund.
- C. Provision of funding for recreation services programs.
- D. The proposed linkage of shoreline public parks should be designed and constructed with the cooperation and assistance of the Taconic Regional Office. This trail system would eventually link with other local trails to become part of a greenway system along the entire spans of the eastern side of the Hudson River throughout Dutchess County.

DEPARTMENT OF STATE

- A. Provision of funding for the implementation of an approved LWRP.

SECTION VII- Consultation with Other Affected Federal, State, Regional, and Local Agencies

A. Local Consultation

Consultation has consisted of maintaining liaison with City agencies whose action or functions may be affected by the LWRP. Seated on the Waterfront Commission is a member of the City Council, the Commissioner of Public Works, and a member of the City's Planning Board.

The City of Beacon's planning consultants, Frederick P. Clark Associates, has worked very closely with the Commission in the final stages of completing the Plan.

Expertise has been drawn from local lawyers, architects, developers, business- people, historians, and many others who have been interested in and supportive of Beacon's efforts to develop and complete it's LWRP.

B. Regional Consultation

1. Metropolitan Transportation Authority
Contact and negotiations have been ongoing concerning the parking and future plans at the Metro North railroad station. Permission was sought to cross the tracks to have access to the Dennings Point area.
2. Dutchess County Department of Planning
Information was sought on future planning for the City of Beacon regarding roads, water, and refuse disposal.
3. Dutchess County Public Works Department
Same as above.
4. New York State Department of Transportation
Consultation took place concerning the plans and construction of the new Beekman Street Bridge.
5. Dutchess County Department of Health
A determination was sought to determine the water classification for the Fishkill Creek.
6. Hudson Valley Greenway Council
The City's Waterfront Area is within the jurisdiction of the Greenway Council and Conservancy.

C. State Agency Consultation

1. Department of State
The Draft LWRP (with DEIS) was reviewed and approved by the City Council and forwarded to the NYS Department of State (DOS). The DOS then initiated a 60-day review of the Draft LWRP/DEIS pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and State Environmental Quality Review Act. Copies of the Draft LWRP and DEIS were distributed by DOS to all potentially affected State and

Federal agencies, Dutchess County, and adjacent waterfront municipalities. Comments received on the Draft LWRP/DEIS were reviewed by DOS and the City and resultant changes were made to the LWRP, which are detailed in the Final Environmental Impact Statement.

2. Department of Environmental Conservation
Information was gathered concerning wetland designations and wildlife resources. The possibility of contaminants within Waterfront Area was another concern which required research and determination.
3. Office of Parks, Recreation and Historic Preservation
The OPRHP is continuing consultations with the City on proposed plans for the Denning's Point Park, including the existing structures. Debris has been removed from the three major structures and chemicals have been prepared for shipment off site. OPRHP is working with DEC to complete this task.
4. Office of General Services
Resolution is needed as to the ownership of the underwater property within the Waterfront Area.

D. Federal Consultation

1. Federal Emergency Management Agency
Consultation was undertaken regarding the extent of flood hazard areas within the waterfront area.

E. Private Sector Consultation

1. Scenic Hudson, Inc.
Consultation was held for determination of view sheds to be protected (See Policy 25).
2. Hudson River Fishermen
Information was sought concerning the estuary at the base of the Fishkill Creek.
3. Hudson River Sloop Clearwater, Inc.
Discussions were held for the purpose of exchanging information and ideas for coastal planning. Representatives of Clearwater attended several of the initial policy meetings and gave written input for the LWRP.
4. Beacon Sloop Club
Representatives from the Sloop Club attended committee meetings to give input and ideas. This is a targeted project for the Club's environmental committee.
5. Marine Waterfront Architect/Engineer
Preliminary ideas were sought for the harbor and the old ferry dock.

SECTION VIII - Local Commitment

Overview

In order to assure implementation of the Local Waterfront Revitalization Program, the City of Beacon has taken definite steps to involve the public, neighboring communities, interested conservation groups and other affected agencies.

Public involvement has primarily been through the Waterfront Commission, a committee appointed by the City Council to protect Beacon's valuable coastal resources. The Commission's subcommittee, which was formed to complete the draft of the Local Waterfront Revitalization Program, has met regularly since the fall of 1988. All meetings were open to public participation, which has been encouraged throughout the entire LWRP preparation process. Minutes of these meetings are available at the City Offices.

This process has been supplemented with public information meetings, appearances at meetings of local civic and environmental organizations and in addition, a public hearing was held during the environmental review (SEQRA) process.

Fall/1988	Published dates and times of initial meetings
Nov/1988	Presentation to Beacon Sloop Club which gives monthly reports on the LWRP
May/1989	Attended the Greenway Council
May/1989	Presentation to the Dutchess Boat Club which is on Long Dock.
Oct/1989	Update to the City Council
Feb/1990	Presentation to the new City Council (Reports are sent monthly from the LWRP committee to the Council.)
	Presentation to the Historical Society
Apr/1990	Presentation to the Beacon Business Association
May/ 1990	Initial presentation to the Planning Board
	Presentation to Kiwanis Club
Jun/1990	Presentation to the year "2000" Planning Committee
	City Council issued a 6 month moratorium on building in the Coastal Zone area. The Waterfront Commission LWRP subcommittee has met weekly thereafter.
June/ 1990	Presentation at Beacon Community Center

City of Beacon Local Waterfront Revitalization Program

Aug/1990	Presentation and update to the City Planning Board. (Good press coverage at this time.)
Sep/1990	General Press Release
July/1991	Completion of Draft LWRP
7/91-9/91	Review of Draft LWRP/DFIS by State, Federal, local, and regional agencies
October/1991	Adoption of the LWRP by the City Council
April/1992	Approval of the LWRP by the New York State Secretary of State
August/1992	Incorporation of the Beacon LWRP into the State's Coastal Management Program by the Federal Government
January/1992	Training workshop conducted by Department of State staff for City officials regarding procedures for review of local, State, and federal projects for consistency with the LWRP

Appendix A Fishkill Creek Coastal Fish and Wildlife Habitat

Name of Area:	Fishkill Creek
Designated:	November 15, 1987
County:	Dutchess
Town(s):	Fishkill, Beacon
7½' Quadrangle(s):	West Point, NY

Score	Criterion
16	<p>Ecosystem Rarity (ER)</p> <p>One of the major freshwater tributaries of the lower Hudson River (containing a diversity of estuarine habitats) and a relatively large, wooded peninsula, isolated from human disturbance.</p>
33	<p>Species Vulnerability (SV)</p> <p>Concentrations of osprey (T) occur in the area regularly, and least bittern (SC) nesting. Additive division: $25 + 16/2 = 33$.</p>
9	<p>Human Use (HU)</p> <p>This area is a focal point for osprey research in the Hudson Valley, including attempts to establish a nesting pair.</p>
9	<p>Population Level (PL)</p> <p>Concentrations of osprey during migration are unusual in the lower Hudson Valley; concentrations of anadromous and resident fishes are unusual in Dutchess County.</p>
1.2	<p>Replaceability (R)</p> <p>Irreplaceable.</p>

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R] = 80$

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM

A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitats designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

DESIGNATED HABITAT: FISHKILL CREEK

HABITAT DESCRIPTION:

Fishkill Creek is located on the east side of the Hudson River, in the City of Beacon and the Town of Fishkill, Dutchess County (7.5' Quadrangle: West Point, N.Y.). The fish and wildlife habitat is an approximate one-half mile segment of this relatively large, perennial, warmwater stream, extending from its mouth on the Hudson River to the first dam upstream. A short section of Creek below the dam flows over a steep, rocky, rapids. However, most of the habitat (up to the first road bridge) is within the tidal range of the Hudson River, and contains extensive areas of mudflats, emergent marsh, and subtidal beds of aquatic vegetation. The habitat includes an approximate 80 acre shallow bay area located at the

creek mouth (west of the Conrail railroad), and undeveloped portions of Denning Point, a wooded, sand peninsula which shelters the area. Nearly all of the land area bordering Fishkill Creek, including Denning Point, remains in a relatively natural condition. Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, invasion by water chestnut, upstream water uses, and potential effects of industrial and landfill operations located just north of the area.

FISH AND WILDLIFE VALUES:

Fishkill Creek is one of about 5 major tributaries emptying into the lower portion of the Hudson River estuary. The diversity of natural ecological communities, and lack of significant human disturbance in the area, provides favorable habitat conditions for a variety of fish and wildlife species. Habitat quality in the open bay portion may be reduced by extensive invasion by water chestnut. However, several rare plant species, including subulate arrowhead, and kidneyleaf mud-plantain, occur in the estuarine portion of Fishkill Creek.

Fishkill Creek is an important spawning area for anadromous fishes, such as alewife, blueback herring, white perch, tomcod, and striped bass. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to shallows near the creek mouth and other nursery areas in the Hudson River. An exception is tomcod, which spawn in the area in December and January. A substantial warmwater fish community also occurs in Fishkill Creek throughout the year. Resident species include largemouth bass, bluegill, brown bullhead, and goldfish. Fishkill Creek probably marks the northern extent of blueclaw crab (in abundance), and is occasionally used by marine fishes, such as bluefish, anchovy, silversides, and hogchoker. Freshwater inflows from Fishkill Creek play an important role in maintaining water quality (e.g., salinity gradient) in the Hudson River estuary.

The abundant fisheries resources of Fishkill Creek provide significant opportunities for recreational fishing. However, the stream channel is relatively inaccessible, and angling pressure throughout the area is light.

In addition to its importance as a fisheries resource, Fishkill Creek provides productive feeding habitats for various wildlife species. Locally significant concentrations of herons, waterfowl, furbearers, and turtles, may be found in the area at almost any time of year. Fishkill Creek is reported to be a major crossing point for raptors migrating through the Hudson Valley, along the northern slope of the Hudson Highlands. Although complete data on these bird populations are not available, concentrations of osprey (T) have been observed regularly at Fishkill Creek during Point, and a man-made nesting platform has been constructed on the southern end of the peninsula. This is one of only 3 sites on the Hudson River where researchers are hoping to establish a breeding pair of these birds. In addition, least bittern (SC) has been reported as a probable breeding species in the marshes at the mouth of Fishkill Creek.

IMPACT ASSESSMENT:

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

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

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

- destroy the habitat; or,
- significantly impair the viability of a habitat.

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

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include but are not limited to reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

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

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

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

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, alter tidal fluctuations, or increase water temperatures in Fishkill Creek would result in significant

impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) may result in significant impairment of the habitat. However, efforts to control water chestnut may be desirable or necessary to maintain the ecological importance of this area. Of particular concern in this major tributary are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Clear water areas at the mouths of major tributary streams are important feeding areas for osprey during migration. Development of hydroelectric facilities or municipal water supplies should only be allowed with run-of-river operations and appropriate minimum flow restrictions, respectively. Barriers to fish migration, physical or chemical, would have significant impacts on fish populations in the creek as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Elimination of wetlands or significant human encroachment into the area, through dredging or filling, could result in a direct loss of valuable fish and wildlife habitats.

Existing areas of natural vegetation bordering Fishkill Creek should be maintained to provide bank cover, soil stabilization, nesting and perching sites, and buffer areas. Human disturbance around Denning Point should be minimized when osprey are in the area. It is also recommended that rare plant species occurring in Fishkill Creek be protected from adverse effects of human activities.

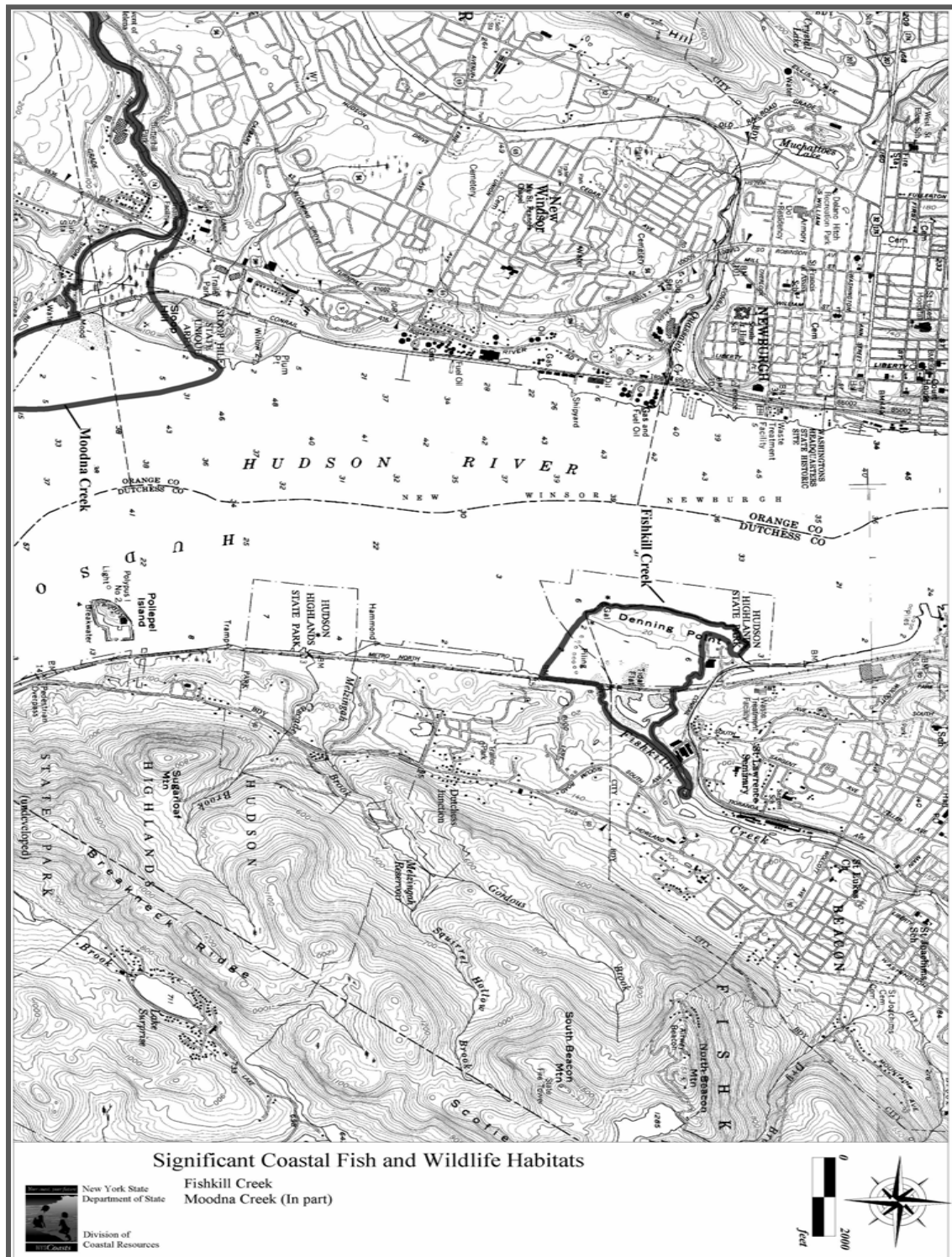
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Appendix B - Hudson Highlands Scenic Area of Statewide Significance

I. Location

The Hudson Highlands Scenic Area of Statewide Significance (SASS) encompasses a twenty mile stretch of the Hudson River and its shorelands and varies in width from approximately 1 to 6 miles. The SASS includes the Hudson River and its east and west shorelands. It extends from its northern boundary, which runs from the northern tip of Scofield Ridge, Denning's Point and the base of Storm King Mountain to its southern boundary at Red Hook and the southern limits of the Bear Mountain State Park. At the SASS's northern and southern extremes, the SASS extends across the Hudson River to the mean high tide line on the opposite shoreline.

The Hudson Highlands SASS is located within the City of Newburgh, the Town of New Windsor, the Town of Cornwall, the Town of Highlands, the Village of Cornwall-on-the-Hudson and the Village of Highland Falls, Orange County; the Town of Stony Point, Rockland County; the City of Peekskill, the Town of Cortlandt and the Village of Buchanan, Westchester County; the Town of Philipstown, the Village of Nelsonville and the Village of Cold Spring, Putnam County; and the Town of Fishkill and the City of Beacon, Dutchess County.

The Hudson Highlands SASS is comprised of 28 subunits:

HH-1 Cornwall Hillside Estates; HH-2 Storm King; HH-3 Contemporary West Point Military Academy; HH-4 West Point Military Academy; HH-5 Highlands; HH-6 Highland Falls; HH-7 Con Hook; HH-8 Fort Montgomery; HH-9 Brooks Lake; HH-10 Hessian Lake; HH-11 Bear Mountain State Park; HH-12 Iona Island Marsh; HH-13 Iona Island; HH-14 Jones Point; HH-15 Wallace Pond; HH-16 Anthony's Nose; HH-17 Manitou; HH-18 Manitou Marsh; HH-19 Garrison Landing; HH-20 Garrison Four Corners; HH-21 Fort Hill; HH-22 Nelson Corners; HH-23 Constitution Marsh; HH-24 Constitution Island; HH-25 Cold Spring; HH-26 Hudson Highlands State Park; HH-27 Dutchess Junction; HH-28 Pollepel Island.

Refer to the Hudson Highlands SASS Map for the SASS boundary.

II. Description

The Hudson Highlands SASS is a highly scenic and valued region of the Hudson River Valley, rich in natural beauty, cultural and historical features.

The Hudson Highlands are part of the Reading Prong of the New England Upland, a division of the Appalachian Highlands. This is composed almost entirely of Precambrian igneous and metamorphic rocks and forms a low, rugged mountain range, underlain by some of the oldest rocks in the eastern United States, over one billion years old. The area exhibits a very complex geological record, with several

cycles of crustal movement, metamorphism, igneous intrusion, folding and faulting, sedimentation and erosion.

The highest elevation and the most spectacular relief in the SASS occur at the northern gateway to the Hudson Highlands. This comprises Storm King and Crows Nest to the west and Breakneck Ridge, the Beacons and Bull Hill to the east. The southern gateway is formed by the peaks of the Bear Mountain State Park to the west, including Dunderberg and Bear Mountain, and Manitou Mountain and Anthony's Nose to the east.

The Hudson River has carved a spectacular gorge through the Hudson Highlands. The river seems to have followed three distinct fault lines, exploited structurally weak zones and the general north-east trend of the rock formations and has been modified by glacial action to arrive at its current course, one that shows a high degree of integration into the geological structure of the area.

Between Storm King and Breakneck Ridge, where the high peaks drop straight to the water, the Hudson River corridor is a fjord, deepened by glacial action and filled by the rising sea as the ice melted. This landscape feature is unique in New York State and very rare in the eastern United States. Off Gees Point at West Point, the Hudson River is 202 feet deep. This part of the Hudson is known as World's End and is the deepest point on the river.

The present shoreline configuration includes steep cliffs, bluffs, and gently sloping banks. Several promontories jut into the Hudson, forming bends in the river which mirror the underlying topography. The original channel of the Hudson River, following a fault zone, was established east of Constitution Island and west of Iona Island. Later, glacial ice, unable to follow the sharp turns, carved new channels, leaving the two islands as topographic features in the river. There are a number of coves and tributaries where streams such as Indian Brook, Doodletown Brook, Popolopen Brook and the Fishkill Creek converge with the Hudson River. At these locations the shoreline features an estuary rich in wetlands, tidal mudflats and shallows.

Variations in bedrock composition exist between the east and west shorelands of the SASS, resulting in differential erosion, varying weathering patterns and discoloration of the rock surface. The roundness of many of the Highland summits is due to erosion. The flanks of the mountains are buried beneath sedimentary deposits, while the clefts and valleys have been filled with glacial till. The rolling upland valleys contain numerous wetlands, mountain streams, ponds and lakes, such as Wallace Pond, Lake Alice, the Melzingah and Beacon Reservoirs and Gordon's Brook.

An extensive vegetative cover of mature woodlands of mixed deciduous and coniferous trees dominates all but the steepest of mountain slopes. On the lower slopes and lowland plateaus the dense woodland coverage gives way to a combination of mixed woodlands and clearings comprised of farmsteads, open pasture and meadows and landscaped estates with formal gardens and sweeping lawns. Small hamlets and villages are situated in the lowland valleys and plateaus, nestling into the woodlands and featuring mature street landscaping. The shoreline vegetation includes wooded banks, bluffs and cliffs and the wetland vegetation of Constitution Marsh, Manitou Marsh and Iona Marsh.

The settlement and transportation patterns of the Highlands are heavily influenced by the area's topography, respecting the natural features in their layout and location. Settlements are limited to the

lowland plateaus and lower hillsides and appear tightly clustered within the landscape. Large historic estates are located throughout the SASS, taking advantage of the spectacular views from the hillsides above the hamlets. More recent residential and commercial development shows less respect for the topography of the area. Subdivision of farmsteads and estates and commercial strip development along major highways has resulted in a dispersal of the settlement pattern, leading to an increasing suburbanization of the Hudson Highlands.

Railroads hug the shoreline of the Hudson River and roads follow the hillside contours and inland valleys. There are two military sites within the SASS, the undeveloped parts of the Camp Smith Military Reservation and the United States Military Academy at West Point, both with extensive areas of open space. The present-day land use pattern of the Hudson Highlands is dominated by State parkland, preserving much of the open space of the SASS for its aesthetic, recreational and natural resource values. This has resulted in a land use pattern of formal and informal recreational facilities, nature reserves and "wilderness".

The Hudson Highlands have long been significant in the culture and history of both the State of New York and the United States. The area came to prominence when Henry Hudson explored the region in 1609, and the ship's log describes the spectacular landscape. Since that time the area has been perceived as a unique environment with outstanding scenic, cultural and historic resources. The present day landscape of the Hudson Highlands SASS owes a great deal to its cultural and historical development since the 17th century. This is particularly evident in the land use and settlement pattern and in the development of the State park system in the area.

Early settlement and economic development of the Hudson Valley during the pre-Revolutionary War period bypassed the rugged mountainous landscape of the Hudson Highlands for the more attractive and easily developable fertile land located to the north and west. During this period the development of settlements in the Highlands was affected by the political and administrative system of Dutch and English colonial government, the series of manorial grants and patents, difficulties in transportation and the rugged, forested topography and narrow marsh-bounded shoreline. These factors combined to hold in check the spread of small settlements and occupation of land by all but a few lords of the manor and hardy yeoman farmers.

By the time of the Revolutionary War there were some family farms in the uplands and small settlements based around sawmill operations at Highland Falls and Cornwall. Development of military facilities led to a clearing of the woodlands. The decision to fortify the Hudson Highlands, taken in 1775, resulted in the eventual construction of forts on Constitution Island, at Fort Montgomery and Fort Clinton on either side of the Popolopen Creek and at Fort Putnam above West Point; numerous roundouts; chains and chevaux-de-frises across the Hudson River; and improved transportation and communication facilities.

The strategic value of the Hudson Highlands was the main reason for the development of the military facilities and its key role as a theater of battle during the Revolutionary War. The landscape offered natural opportunities for protection of the increasingly important commercial use of the Hudson River as a transportation corridor to the interior of the north- eastern United States. Two major campaigns for control of the Hudson River were centered on the Hudson Highlands during the war.

The American Revolution and the immediate succeeding years provided a stimulus to settlement and trade in the Highlands. Gradually a pattern of rural activity was established, based around the expansion of the United States Military Academy at West Point, quarrying, shipbuilding and iron manufacturing. The lowlands alongside the Hudson proved viable for fanning, and clearing of the landscape continued. Growth concentrated on the lower plains, associated with road connections and ferry crossings, while the uplands remained free of settlement. Cold Spring grew around the West Point Foundry into a thriving industrial village.

By the mid-19th century transportation improvements opened up more of the Hudson Valley through steamboat, railroad and improved turnpikes. With increased accessibility the Highlands became attractive to the wealthy and opulent estates and large hotels and resorts were developed on the hillsides overlooking the Hudson River. Agricultural land became more a part of a designed landscape than a working landscape as "gentlemen farmers" moved in, while the pastoral landscape provided a backdrop for recreation to both the rich and the urban masses. Recreational facilities varied from picnic grounds, public beaches and pleasure grounds for day-trippers to hotels and resorts for the wealthy. These trends capitalized on the taste for picturesque environments which ran through the 19th century.

As development pressure intensified at the turn of the 20th century, a preservation movement became established in the lower Hudson Valley. Starting with the concern over the impacts of quarrying on the Palisades, this movement culminated with the establishment of the Palisades Interstate Park Commission (PIPC) in 1900 and the designation and acquisition of much of the western shore of the lower Hudson for recreation.

In 1909 the Highlands west of the Hudson were brought into the jurisdiction of the PIPC. Their inclusion came about as a result of a move by the New York State Prison Authority to develop facilities near Bear Mountain and the accompanying public outcry at the inappropriateness of such a use in a scenic area with great recreational potential. At this time the State received a gift of 10,000 acres of land from the Harrimans, who owned the southwestern part of the Hudson Highlands, with the condition that the prison proposal be abandoned, and that the area between the Harriman property and the Hudson River, be secured for park land. In 1910 the prison proposal was abandoned, and over the next decades further acquisition by the State filled in the gaps of the Harriman and Bear Mountain State Parks and moved northward to Storm King.

Further action by conservation groups, again opposed to the impact of quarrying, led to the protection of the eastern Highlands through the creation of the Hudson Highlands State Park. More recently the Hudson Highlands became a landmark of the environmental movement of the late 1960's when Storm King became the proposed site for a pump storage electric generation station. This was defeated after a long battle because of potential impacts on the scenic and ecological values of the area, resulting in the proposed 500 acre site being donated for park use as the Storm King State Park.

As the 20th century progressed, many of the farms, resorts and estates have succumbed to development pressure and have been abandoned to natural regeneration, replaced with institutional use or developed through subdivision. Much of the development pressure has been related to the proximity of the area to New York City, direct rail access and to the major improvements in road accessibility with the opening of the Bear Mountain Bridge, the Storm King Highway, the Bear Mountain-

Beacon Highway, the Bear Mountain Bridge Road and the Palisades Interstate Parkway. These roads also increased the accessibility of the area for recreation visitors.

The physical character and cultural and historical development of the Hudson Highlands has resulted in the current settlement and land use patterns, and led to the present day landscape and architectural character. This includes historic settlements on the low coastal plain, dispersed estates and new development on the hillsides above the coastal plain, and a patchwork of public and private open spaces including agricultural land, forest and woodland, and formal and informal recreation areas at the Hudson Highlands, Bear Mountain, and Storm King State Parks. The New York State Military Reservation, known as Camp Smith, occupies most of the SASS located in Westchester County, generally preserving the wooded landscape character.

In the eastern Highlands the Town of Philipstown contains numerous historic estates, farmsteads, the hamlet of Garrison and the well-preserved historic waterfront of the Village of Cold Spring. On the western side two historic communities, Highland Falls and Fort Montgomery, have generally maintained their historic pattern of tightly clustered structures surrounded by dramatic wooded hillsides. The SASS also includes numerous historic structures including Castle Rock, Eagle's Rest, Dick's Castle, and Boscobel. The Bear Mountain Bridge, Popolopen Bridge, Palisades Parkway, and Storm King Highway are all examples of engineering design which complement the natural formation of the landscape.

At the United States Military Academy at West Point, the landform creates a natural strategic fortress for controlling passage and protecting commercial traffic on the Hudson River, a major water transportation corridor. The granite structures of the military academy appear to grow directly from and reflect the character of the rocky cliffs. The restored remains of the historic Fort Putnam overlook West Point.

The Hudson Highlands SASS is a landscape rich in symbolic value and meaning, resulting from historic events, folklore, art and literature, and influencing public perception of the area. The area was at the center of the Romantic Movement that began before the Civil War and became a pervasive movement that affected all aspects of art and society in the region, including architecture, literature, painting, recreation and tourism. This has led to a continuum of environmental and scenic appreciation concerned with the Hudson Highlands that runs through the last two centuries.

The history and nostalgia associated with the Revolutionary War and the role of the Hudson Highlands as a central theater of battle has given the area prominence, with many writers documenting the events of the war. Early writers described the development and landscape of the area through historical and geological association, with an overriding romantic and picturesque feel for the scenery of the Highlands. This often created an historical-romantic landscape, drawing on the folklore of the lower Hudson Valley and exaggerating the aesthetic drama of the natural landscape. This romanticism can be seen in the design of many of the remaining historic structures and the formal landscapes of the estates that dot the slopes of the eastern Highlands, taking advantage of views of the dramatic and wild western shore.

The ultimate expression of this romanticism over the Hudson Highlands came through the Hudson River School of landscape painters and the Knickerbocker writers. The area was interpreted for the nation

with a sense of wildness balanced with a more subdued pastoral feel by the likes of artists Thomas Cole, Frederic Church, Asher B. Durand and David Johnson and writers Washington Irving, James Fennimore Cooper and N.P. Willis Storm King Mountain was a favorite subject. The work of these painters and writers instilled a sense of pride and an understanding of the value of landscape aesthetics associated with the features of the entire Hudson Valley, including the Highlands. This appreciation for the scenic value of the Hudson Highlands continues to this day and can be seen in the continued presence of a conservation and recreation ethic in the Hudson Valley.

III. Aesthetic Significance

The Hudson Highlands SASS is of statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition.

There exist in the SASS unusual variety as well as unity of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features. The scenic quality of the Hudson Highlands SASS is significant based on the existence of the following physical and cultural characteristics.

A. Landscape Character

1. Variety

The Hudson Highlands SASS exhibits an unusual variety of major components. The main variety lies in the topography. The SASS is dominated by a low, rugged mountain range, split by the narrow and deep fjord-like passage of the Hudson River. Within the mountain range are numerous individual peaks of various heights, separated by rolling, upland valleys which feature mountain lakes, ponds, wetlands and streams. The shoreline configuration in the Highlands varies from steep cliffs and bluffs that plunge from peak to shore to gently sloping banks and low, narrow coastal plains. Coves, creeks, wetlands, tidal flats and shallows found where tributaries converge on the Hudson further shape the shoreline.

Variety also exists in vegetation coverage. Dense and mature mixed woodlands on the uplands give way to a combination of mixed woodlands, farmsteads, pastures and meadows and landscaped estates on the lower slopes and lowlands. Rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks.

The land use pattern varies considerably within the SASS. There are a number of compact historic settlements located on the lowland coastal plains, surrounded by a mix of woodlands, farmsteads, landscaped estates and more recent development on the lower slopes. A mixture of private estates, recreation facilities and State and federal military reservations are scattered through the wooded uplands. The architectural style of the many historic estates and buildings varies considerably throughout the scenic area. This reflects the tastes of individual landowners, the long history of development in the region and the longstanding picturesque movement in the Hudson Highlands.

2. Unity

The Hudson Highlands SASS is unified by its topography. While internally the individual landform components vary, the SASS is a coherent geological feature, part of the Reading Prong of the New England Upland, a division of the Appalachian Highlands. This upland landform creates a distinctive low mountain range running northeast-southwest across the coastal area of the Hudson River. The vegetation, dominated by mature, mixed woodland, unifies the various landforms from the mountain peaks, through the lower slopes and lowland plains to the shoreline. The presence of the Hudson River is a unifying theme, shaping the physical topography, influencing cultural patterns and constituting a common scenic element central to the Hudson Highlands.

3. Contrast

There are many striking contrasts among the basic scenic elements in the Hudson Highlands SASS. The contrast in topography and landform consists mainly of contrast in line and form. The rolling peaks contrast with the steep rugged rock faces of the bluffs and cliffs. The shoreline configuration of these bluffs and cliffs contrasts with the gentle banks and lowland plains and with the creeks and coves. The Hudson River varies in width and depth, and its currents create varying patterns, contrasting with the surrounding uplands.

There are many textural and color contrasts within the SASS, mostly associated with vegetation and geology. The dense wooded areas contrast with the open meadows and the formal landscape estates which in turn contrast with the wetland vegetation of the coves and creeks. This provides contrasting textures in the landscape composition and rich color contrasts both between vegetation types and, over time, color changes within the seasons. The rock composition varies within the SASS, resulting in many contrasts in surface features, textures and colors, as the natural form is impacted by geomorphologic processes such as metamorphism, erosion and weathering and deposition. The contrast between the colors and texture of the water surface of the Hudson River and the surrounding vegetation and rock composition creates many and varied effects.

Certain contrasts of a more ephemeral nature are to be found in the SASS. The dramatic effects of varying weather conditions enhance the aesthetic character of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The speed and pattern of flow of the Hudson contrast with the creeks and coves and vary with the seasons and weather conditions, providing contrasts in texture and color.

4. Freedom from Discordant Features

The Hudson Highlands SASS is generally well-preserved and free of discordant features. The settlement and transportation patterns are heavily influenced by and respect the topography of the Highlands. The settlements are limited to the lowland plateaus and lower hillsides and are

tightly clustered within the landscape. More recent residential and commercial development has taken place through subdivision of farmsteads and estates and along major highways with less respect for the topography of the area, resulting in a dispersal of the settlement pattern and leading to an increasing suburbanization of the Highlands. Railroads hug the shoreline, and roads follow the contours of the Highlands. The Bear Mountain Bridge, Popolopen Bridge, Palisades Parkway, and Storm King Highway are examples of engineering design which complement the natural formation of the landscape, adding to the value of the landscape rather than being discordant features. The physical and cultural components of the SASS are generally well maintained.

B. Uniqueness

The Hudson Highlands SASS is unique in New York State. The Hudson Highlands are composed of some of the oldest rocks in New York State, dating from the Pre-Cambrian era. Between Storm King and Breakneck Ridge, where the high peaks drop straight to the water, the Hudson River corridor is a fjord, deepened by glacial action and filled by the sea as the ice melted. This low, rugged mountain range split by the Hudson River corridor is a landscape feature not found anywhere else in New York's coastal area and is very rare in the eastern United States. The significant strategic role of the area during the American Revolution gives the Hudson Highlands a unique place in the nation's history.

C. Public Accessibility

The Hudson Highlands SASS has a high degree of public access. Much of the riverside land on the western banks of the Hudson River is in public ownership and provides physical and visual access to the Hudson River, its shoreline and the inland mountain peaks. Public access areas include Storm King State Park, Harriman State Park and Bear Mountain State Park. Public access is available in limited areas of the United States Military Academy at West Point. Similarly there is a considerable amount of public access on the eastern shore in the Hudson Highlands State Park. This park is a combination of many separate parcels and includes riverfront land and dramatic and undeveloped mountain peaks reaching elevations of 1500 feet.

Three recent purchases in the Hudson Highlands SASS by two regional not-for-profit organizations concerned with open space preservation and the promotion of public access may increase public access in the near future. Scenic Hudson and the Open Space Institute combined to purchase Mystery Point, located in the viewshed of the Bear Mountain Bridge, while the Open Space Institute has purchased land at North Redout and Arden Point in Garrison. Part of the latter site has been acquired from the Open Space Institute by the State of New York and will be added to the Hudson Highlands State Park and opened for passive public recreation.

The land ownership pattern outside the public land is that of low density residential development. This results in few opportunities for public access. In these areas public access is limited to local roads and to views from the Hudson River and the passenger trains that run along the east shore of the Hudson River. Views within the Hudson Highlands SASS are extensive

and significant. The many peaks and hillsides offer long and broad views of the Hudson River and its surrounding rugged landscape. Cross-river views include many dramatic peaks, hamlets, mansions and estates and the impressive structures and ramparts of the United States Military Academy at West Point. Viewed from the Hudson River, the wooded shorelands and cliffs of the SASS rise abruptly from the Hudson River to the mountain peaks and ridges. Views are confined in the narrow corridor, only to open at the bends in the Hudson and in views out of the SASS at the north and south gateways of the Hudson Highlands.

The composition of the SASS is well balanced with several positive focal points including the Bear Mountain Bridge, the mansions and hamlets. The steep wooded peaks of the Highlands provide a striking setting for the numerous historic structures. NY Route 9D provides views of the river and the western shore from northern Westchester to southern Dutchess counties. Striking views are available from the railroad, the Hudson River, and many local roads. The variety of length of views, composition, backgrounds and significant focal points combine to enhance the scenic quality of the views available in the Hudson Highlands

D. Public Recognition

The scenic and aesthetic quality of the Hudson Highlands has achieved a high degree of public recognition. Many writers and artists have focused on the area, culminating with the work of the Hudson River School of painters, whose work has brought national and international recognition to the area and its landscape components. The value of the area's scenic and recreational resources has been recognized through the development of the State Parks system and in the involvement of the environmental movement in major land use issues impacting on the Highlands for the purpose of protecting and preserving their scenic character. The successes of the environmental movement have had national significance.

Sections of the Old Storm King Highway, NY Route 9W, NY Route 202, the Bear Mountain Bridge, Bear Mountain Bridge Road, the Bear Mountain-Beacon Highway and local roads within the Bear Mountain State Park are all designated as Scenic Roads under Article 49 of the Environmental Conservation Law.

The historical and architectural significance of the Hudson Highlands is recognized by the large number of structures listed on the State and National Registers of Historic Places. The Hudson Highlands Multiple Resource Area, with boundaries similar to the Hudson Highlands SASS, includes 56 individual properties and three historic districts, at Cold Spring, Garrison Landing and the Bear Mountain State Park. In addition, there are three other listed properties in the Town of Philipstown Boscobel, Castle Rock and the deRham Farm. There are also two National Historic Landmarks in the SASS -- Fort Montgomery and the United States Military Academy at West Point.

The scenic and aesthetic quality of the SASS has received long-standing public recognition through the actions of the State and environmental not-for-profit organizations who have sought to protect individual parcels of land from development. This has resulted in the extensive areas of State parkland in the SASS.

IV. Impact Assessment

Whether within or outside a designated SASS all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action could affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

Policy 24 provides that when considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

- (1) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and
- (2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

- (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource;
- (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

Policy 24 sets forth certain siting and facility-related guidelines to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. The guidelines are set forth below, together with comments regarding their particular applicability to this Scenic Area of Statewide Significance. In applying these guidelines to agricultural land it must be recognized that the overall scenic quality of the landscape is reliant on an active and viable agricultural industry. This requires that farmers be allowed the flexibility to farm the land in an economically viable fashion, incorporating modern techniques, changes in farm operation and resultant changes in farm structures. Policy 24 guidelines include:

Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;

COMMENT For much of the length of the Hudson Highlands SASS, the Hudson River is bounded by steep, undeveloped wooded bluffs that figure prominently in views within the SASS, notably from and across the Hudson River. Siting of structures on the slopes or crests of these bluffs, on the immediate shoreline of the Hudson River or over the water surface of the Hudson River would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

The siting of new residential development has the potential to threaten the future visual quality of the SASS. Areas which afford views, such as ridgelines, hilltops, and hillsides overlooking the Hudson River, are most attractive to new development, but also the most vulnerable to impairment from inappropriate development. The siting of residential development, structures and other discordant features such as large buildings, highways, power lines and signs on ridgelines, hilltops and exposed hillsides and in the direct viewshed of the Hudson River would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

Iona Island Marsh, Manitou Marsh and Constitution Marsh are particularly critical scenic components in the SASS. Activities that would subdivide the large undisturbed appearance of these areas into smaller fragments, introduce structures into the low-lying landscape and eliminate wetland or shallow areas through dredging, filling or bulkheading would result in a direct impact on the shoreline, changing the character of the relationship between the Hudson River and its shorelands, and impairing the scenic quality of the SASS.

Clustering or orienting structures to retain views, save open space and provide visual organization to a development;

COMMENT: The Hudson Highlands SASS features a low intensity pattern of development that includes a large amount of functional open space. Historic estate houses punctuate the landscape of rolling upland pastures, landscaped estates and woodland. Recent poorly sited residential development has not respected the traditional patterns of development within the SASS and has disturbed the visual organization established through this traditional development pattern. Further expansion of new development into the open areas of the SASS would replace the varied vegetation types. The textures, colors, contrast and expansiveness of the natural landscape character and their interrelationship would be lost, impairing the scenic quality of the SASS. Failure to use topography, existing vegetation and the clustering of new development to blend new development into the landscape would impair the scenic quality of this SASS. Failure to continue the current pattern of preserved open space through the State Park network and respect the balance between formal recreation areas and wilderness would also impair the scenic quality of the SASS.

Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;

COMMENT: The Hudson Highlands SASS is a unique natural and cultural landscape. The loss of historic structures would alter the cultural character of the landscape, remove focal points from views and diminish the level of contrast between the natural landscape and the cultural landscape, thus impairing the scenic quality of the SASS.

Removing deteriorated and/or degrading elements;

COMMENT: The Hudson Highlands SASS is generally free of discordant features, and structures are generally well maintained.

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

COMMENT: The landform of the Hudson Highlands SASS is primarily in an undisturbed state and is the unifying factor in the SASS. The contrast in elevation and the juxtaposition of water and land contributes to the scenic quality of the SASS. The failure to maintain existing landforms and their interrelationships would reduce the unity and contrast of the SASS and impair its scenic quality.

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

COMMENT: The variety of vegetation and the unifying-continuous vegetative cover of the Hudson Highlands SASS make a significant contribution to the scenic quality of the SASS. The tidal marshes of Iona Island Marsh, Manitou Marsh and Constitution Marsh, and pastures, woodlands, and landscaped estates provide variety, unity and contrast to the landscape. The wildlife supported by this vegetation adds ephemeral effects and increases the scenic quality of the SASS. Vegetation helps structures blend into the predominantly natural landscape and plays a critical role in screening facilities and sites which would otherwise be discordant elements and impair the scenic quality of the SASS.

Clearcutting or removal of vegetation on the wooded bluffs along the Hudson River and in the upland areas would change the character of the river corridor and impair its scenic quality. Iona Island Marsh, Manitou Marsh and Constitution Marsh, are particularly critical scenic components in the SASS. Activities that would subdivide the large undisturbed appearance of these areas into smaller fragments, the introduction of structures into the low-lying landscape and the elimination of wetland or shallow areas through dredging, filling or bulkheading would result in a direct impact on the shoreline, changing the character of the relationship between the Hudson River and its shorelands and impairing the scenic quality of the SASS.

Using appropriate materials, in addition to vegetation, to screen unattractive elements;

COMMENT: The Hudson Highlands SASS is generally free of discordant elements. The failure to blend new structures into the natural setting, both within the SASS boundaries and in the viewshed of the SASS, would impair the scenic quality of the SASS.

Using appropriate scale, form and materials to ensure buildings and other structures are compatible with and add interest to the landscape.

COMMENT: The existing structures located within the Hudson Highlands SASS generally are compatible with and add interest to the landscape because they are of a scale, design and materials that are compatible with the predominantly natural landscape. New development or alterations to existing structures can also be designed to complement the scenic quality of the SASS through use of a scale, form, color and materials which are compatible with the existing land use and architectural styles of the area and can be absorbed into the landscape composition. Failure to construct new buildings which are compatible with the cultural fabric of the SASS as represented in these historic structures would impair the scenic quality of the SASS.

Failure to use appropriate scale, form, and materials to ensure that new development is compatible with the surrounding landscape and does not distract from the landscape composition of a designated area would impair the scenic quality of the SASS. In addition, failure to mitigate the effects associated with development such as lighting, horizontal or vertical interruption of form, incongruous colors, or plume discharge would impair the quality of the landscape and the scenic quality of the SASS.

Parts of the Dutchess Junction subunit of the Hudson Highlands SASS are located within the City of Beacon. The scenic quality of this subunit is described below.

HH-27 Dutchess Junction Subunit

I. Location

The Dutchess Junction subunit is located on the east side of the Hudson River, south of the City of Beacon. The eastern boundary of the subunit follows NY Route 9D north from benchmark 14 to its intersection with Grandview Avenue, for the most part a common boundary with the HH-26 Hudson Highlands State Park subunit. The northern boundary of the subunit runs from the northern shorelands of Denning Point to the Conrail tracks and along the Conrail tracks adjacent to the Fishkill Creek, following the coastal area boundary as amended by the City of Beacon, to the intersection of the tracks with Wolcott Avenue. The boundary then follows Wolcott Avenue to its intersection with Simmons Lane, which it follows to the property line of Lot #6054-13-036494 and onto the Craig House property. The boundary then follows an imaginary line through the Craig House property at a distance of 400 feet from the Fishkill Creek to South Avenue and along South Avenue to Grandview Avenue. The subunit includes

the Hudson River, sharing a common boundary with the HH-28 Pollepel Island subunit adjacent to the eastern shorelands and extends across to high water mark on the western shorelands of the Hudson River. The subunit is approximately 3.5 miles long and between 0.25 and 1 mile wide. It is located in the City of Beacon and the Town of Fishkill, Dutchess County and in the City of Newburgh, the Towns of New Windsor and Cornwall and the Village of Cornwall-on-the-Hudson, Orange County. Consult the Hudson Highlands SASS map sheets, numbers 1 and 2 for subunit boundaries.

II. Scenic Components

A. Physical Character

This subunit is comprised of the flat and gently sloping shorelands of the Hudson River which give way to the gently rolling hillside below the steep mountains of the Scofield and Breakneck Ridges in the Hudson Highlands State Park subunit. The vegetation is a mix of wetlands, woodlands, meadows and orchards. The shoreline curves gently with a moderate variety of shoreline indentation and elevation. There is one large cove created by Denning Point, a low, wooded, sand peninsula. The Fishkill Creek, which features a short section of rapids, meets the Hudson River at the cove, creating a rich estuary of marsh, tidal flats, and shallows. Wade Brook and Gordon Brook cross the subunit.

B. Cultural Character

The subunit includes a largely undisturbed bank of the Hudson River, separated from the upland by the railroad. NY Route 9D, the Bear Mountain-Beacon 'Highway, runs along the eastern boundary of the subunit. The subunit features several parcels of the Hudson Highlands State Park, a scattering of residential development, a trailer park and one small hamlet center, Dutchess Junction. Located around the hamlet during the mid to late 19th century were a number of active brickworks. Denning Point was the site of successful brickyards, and a derelict industrial building is a reminder of the point's industrial past. The former Hammond Brickyard lies between the railroad and the river, to the south of Denning Point.

The hamlet was once the junction of the Hudson River Railroad with the Dutchess and Columbia Railroad. The hamlet's historic settlement pattern can be seen in the farmland/woodland relationship, although the recent sprawling pattern of residential construction has modified this and detracts from the overall scenic quality of the area.

Dutchess Manor, a residence and carriage house, built in 1889 and converted to a restaurant and residence, is listed on the State and National Registers of Historic Places. The two story Second Empire style brick house was part of the estate of Francis Timoney who owned the complex of brickworks in the area. Dutchess Manor is significant for its picturesque details and is one of the most architecturally distinguished residences of its type and period in the Hudson Highlands. Its association with one of the area's most prominent brick manufacturers, a significant local industry, adds further importance to Dutchess Manor.

Another significant building within the subunit is Tioronda, an impressive Gothic Revival villa. Originally built in 1859 as a residence, the building is now a sanatorium. Tioronda is eligible for listing on the State and National and State Registers of Historic Places. The building is significant for its mid-19th century estate architecture and as an example of the work of Frederick Clarke Withers.

The presence of wildlife provides ephemeral characteristics. Contrasts of an ephemeral nature are to be found in the subunit. The dramatic effects of varying weather conditions enhance the aesthetic character of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area.

The subunit is generally well maintained. Recent urban development and the railroad tracks are minor discordant features, although they are mostly screened within the landscape and do not detract from the scenic quality of the subunit.

C. Views

The subunit offers unobstructed views of the Hudson River and Fishkill Creek. Interior views are limited by vegetation and topography. Views from the Hudson River are of the low, wooded coastal shorelands; the gently rising uplands; Denning Point and the mouth of the Fishkill Creek. These features are set against the dramatic backdrop of the Hudson Highlands, notably the North and South Beacon Mountains, Sugarloaf Mountain and Breakneck Ridge in the adjacent HH-26 Hudson Highlands State Park subunit. Positive focal points include Denning Point, Bannerman's Castle on Pollepel Island, and distant views of the Newburgh-Beacon Bridge and Sugarloaf and Storm King Mountains. Views of the large, sprawling communities of Newburgh, New Windsor and Cornwall detract from the visual quality of views across the Hudson River.

III. Uniqueness

The subunit is not unique.

IV. Public Accessibility

The land ownership pattern of large land holdings and low density development scattered throughout the subunit restricts public accessibility to the Dutchess Junction subunit. The subunit is accessible from NY Route 9D, local roads, and the Hudson River and is visible from the passenger trains that run along the shoreline. The subunit is also visible from the uplands of the adjacent HH-26 Hudson Highlands State Park subunit; the Newburgh-Beacon Bridge to the north; from Newburgh, New Windsor and Cornwall; and from subunits on the western shorelands of the Hudson Highlands SASS, notably from the scenic overlook on NY Route 218, the Old Storm King Highway. Denning Point and the Hammond Brickyard site are part of the Hudson Highlands State Park and offer potential for informal access to the Hudson River.

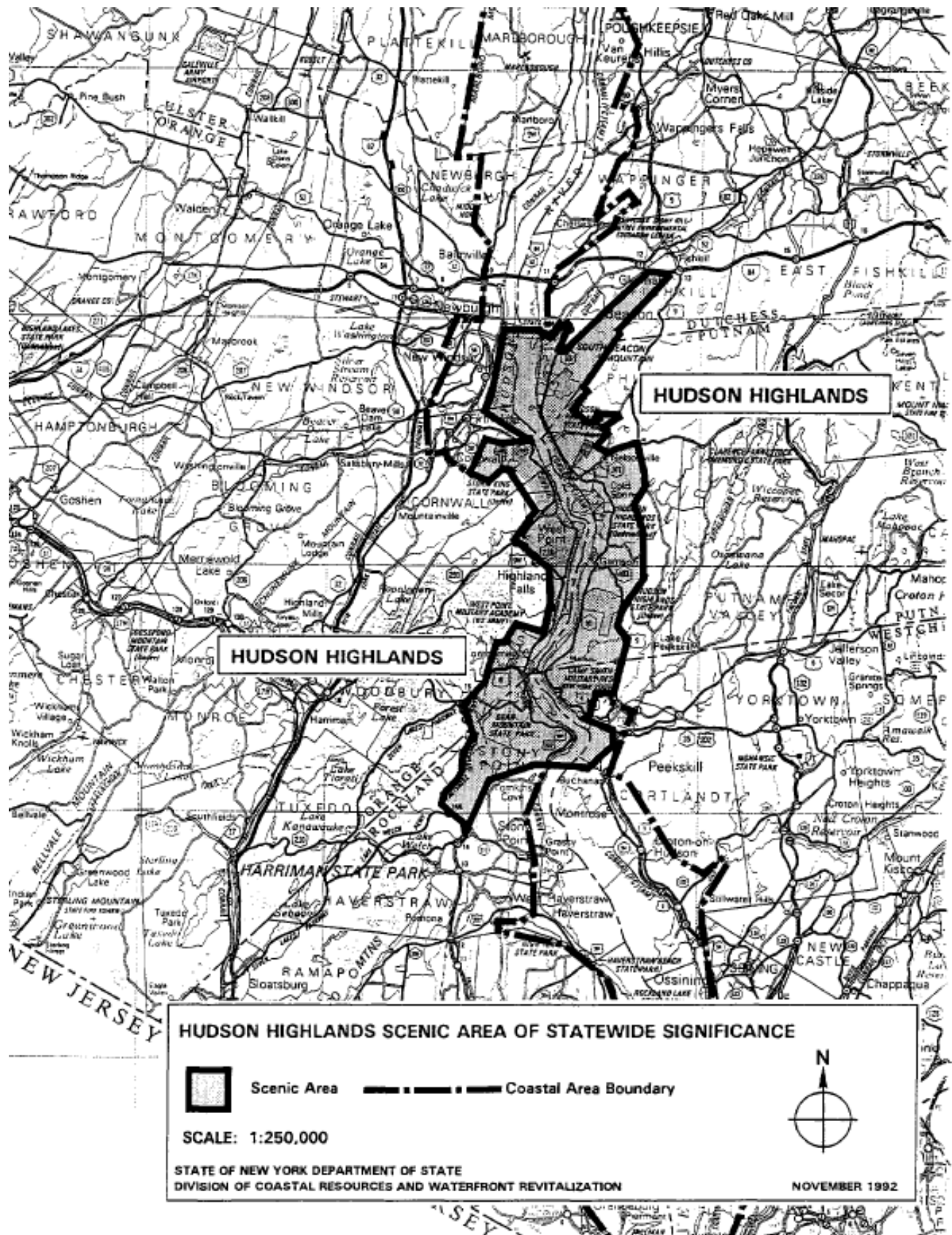
V. Public Recognition

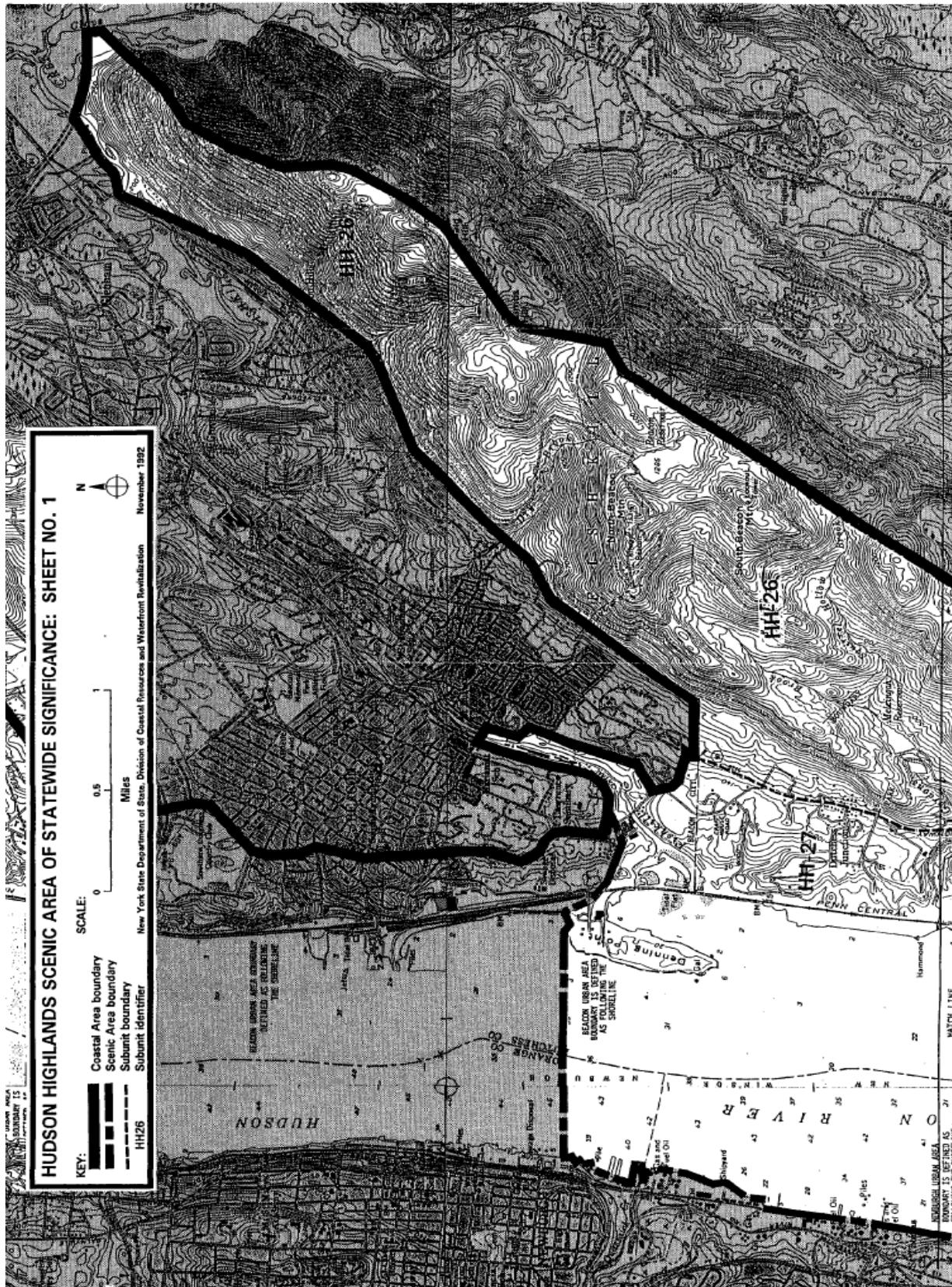
The Dutchess Junction subunit is recognized by the public as part of the northern gateway to the Hudson Highlands. The historical and architectural value of Dutchess Manor has been recognized through its listing on the State and National Registers of Historic Places. Denning Point has recently been acquired by New York State for its scenic and habitat values.

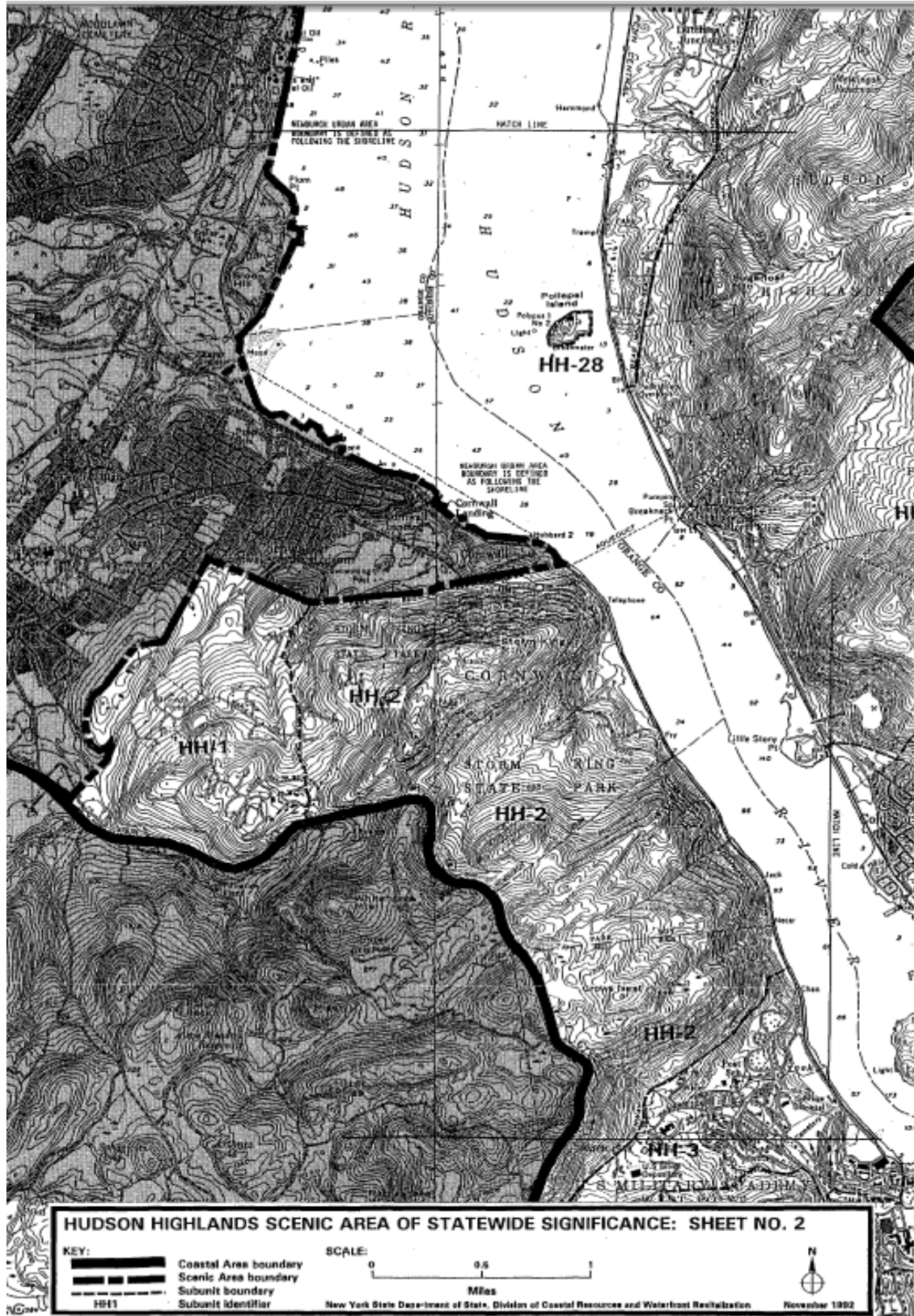
VI. Reason for Inclusion

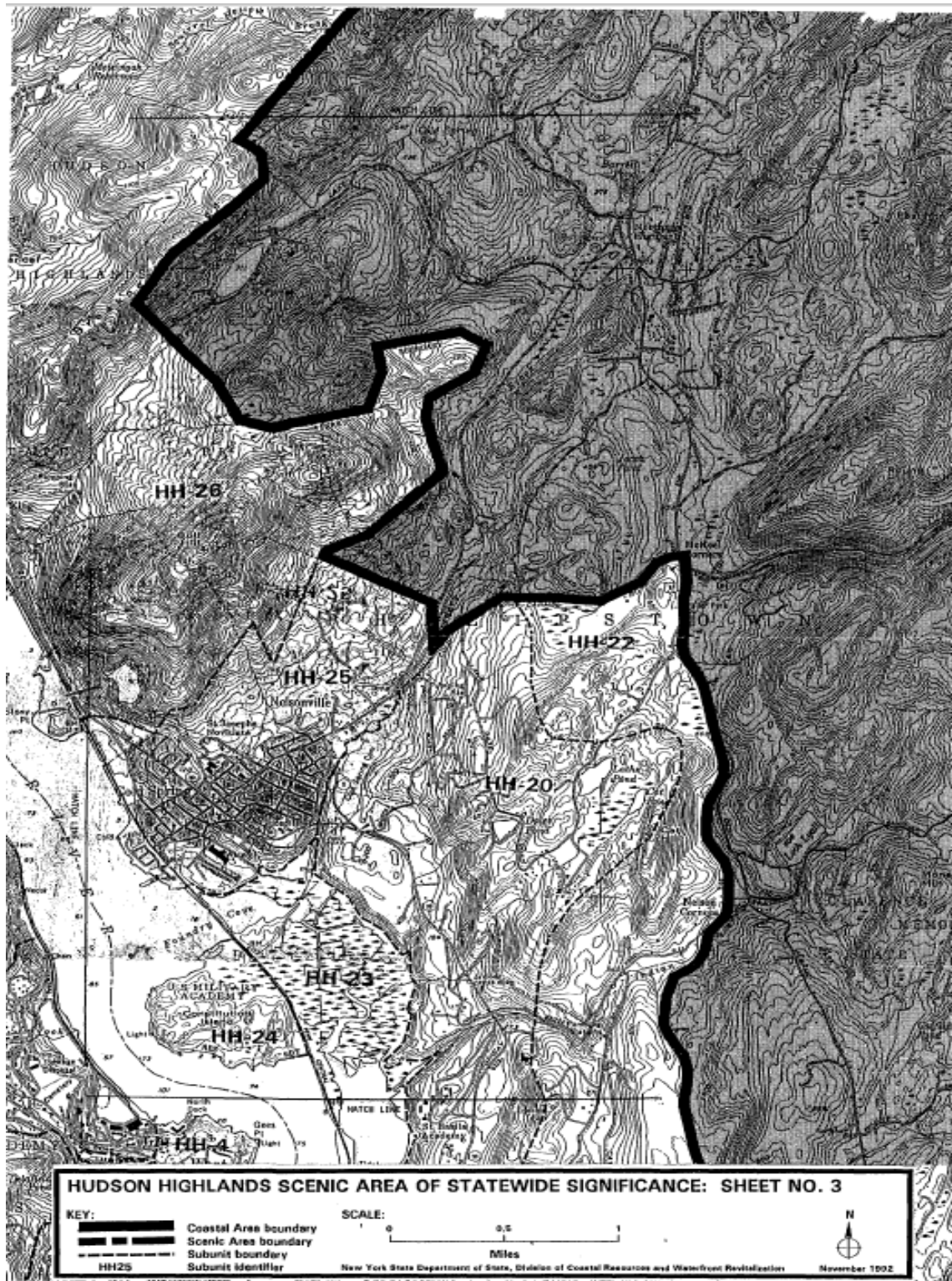
The Dutchess Junction subunit has high scenic quality. It features a variety in, and contrast between many positive landscape components including rolling wooded upland, a low wooded point, the Fishkill Creek and its confluence with the Hudson River and a mix of vegetative cover. The subunit is unified by topography and woodland coverage. The subunit is accessible from local roads and the Hudson River, and is visible from surrounding subunits on both shores of the Hudson River. The subunit is recognized as part of the northern gateway to the Hudson Highlands SASS. The historical and architectural value of Dutchess Manor has been recognized through listing on the State and National Registers of Historic Places. Denning Point has recently been acquired by New York State in recognition of its access, scenic and habitat values. There are some minor discordant features in the subunit, but these are screened from view and do not impair the scenic quality of the subunit.

City of Beacon Local Waterfront Revitalization Program









Appendix C – City of Beacon Harbor Management Plan

Executive Summary

The City of Beacon is located along the eastern shore of the Hudson River, across from the City of Newburgh. It was established in 1913 when the Villages of Fishkill Landing and Matteawan were merged; the name was taken from the signal fires built atop Mount Beacon during the American Revolution. The City occupies nearly five square miles and is approximately 60 miles north of New York City, 90 miles south of Albany, and 40 miles from Danbury, Connecticut.

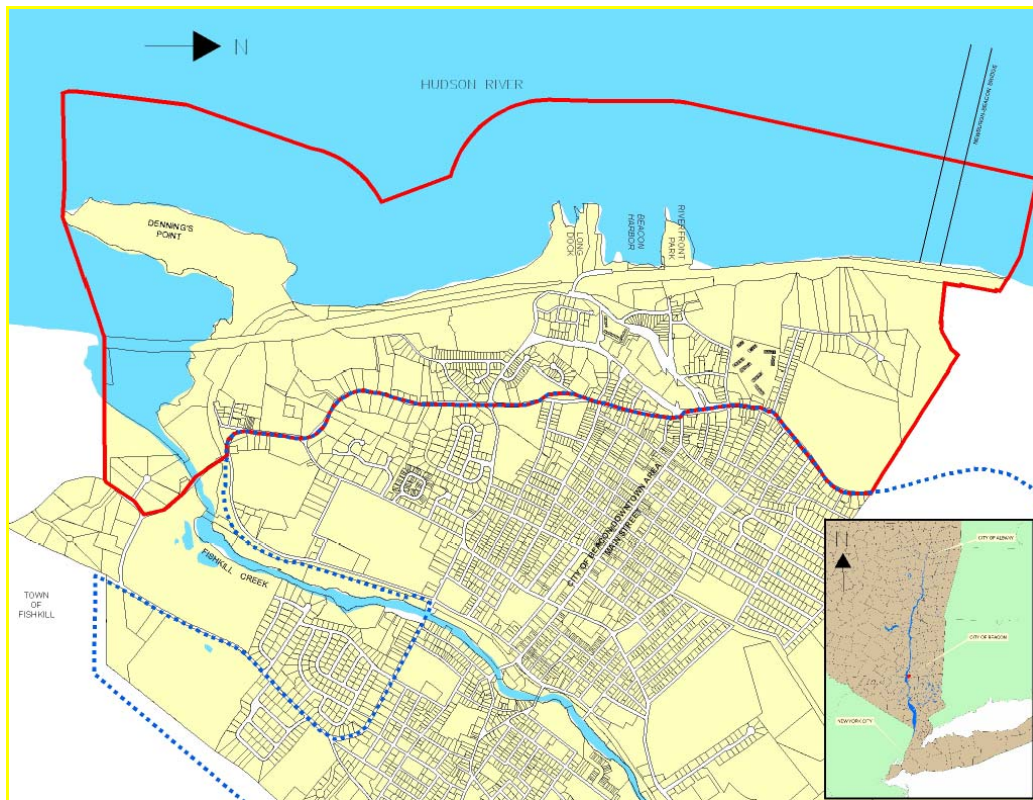


Figure 1 – City of Beacon Harbor Management Area Boundary

Like many Hudson River towns and cities, by the mid 1900s Beacon Harbor and its harborfront entered into a period of decline as many of the City's industries closed. Over the past decade, however, there has been considerable interest in revitalizing the harbor and its adjacent land uses. In 2003, the City of Beacon was selected as the future home of the Rivers and Estuaries Center (now The Beacon Institute for Rivers and Estuaries). Also in 2003, Dia:Beacon, a world famous art museum focusing on modern art, opened in the old National Biscuit Company (Nabisco) plant. Ferry service to Newburgh was reestablished in 2005 and the Beacon train station has become one of Metro North's most heavily used stations. There is a planned waterfront revitalization project known as Long Dock Beacon that includes a

hotel, conference centers, restaurants, and parks proposed on the Long Dock peninsula (formerly Long Wharf).

The City of Beacon's Local Waterfront Revitalization Program (LWRP) was approved in 1992. Due to the number of recently completed and proposed projects that have implications for Beacon's waterfront and surface waters, there is a need for harbor management and a Harbor Management Plan (HMP).

The City of Beacon's HMP addresses all of the City's surface waters and waterfront ([Figure 1](#)). Beacon's Harbor Management Area (HMA) extends from just north of the Newburgh-Beacon Bridge, south to the southern tip of Denning's Point, and thence up the mouth of Fishkill Creek. The HMA's surface water area extends out into the Hudson River to a distance of 1,500 feet along the whole waterfront area. However, the focus of the HMP is mainly Beacon Harbor and its harborfront.

The City of Beacon's waterfront is comprised of two distinct components: an active harbor and harborfront and a relatively undeveloped riverfront along the Hudson River to the north and south of the harbor and a portion of Fishkill Creek. Surface water activities are focused in the harbor and harborfront while the riverfront is largely open space and includes Denning's Point State Park. The HMA includes both surface waters and the lands adjacent to the surface waters that can influence what takes place on the surface waters and whose use, in turn, may be influenced by what takes place on the surface waters.

The land use in the City of Beacon's HMA is a mix of parkland, transportation, institutional, commercial and residential uses. The Metro-North railroad tracks run along the Hudson River several hundred feet inland from the river and across the mouth of Fishkill Creek. The tracks are a dominant feature of the City's waterfront because they separate the City from the river. The only access is provided by: a vehicle/pedestrian bridge on Red Flynn Drive, which crosses over the railroad tracks in the Beacon Harbor area; a bridge and an at grade crossing which provides access across railroad tracks to Denning's Point; and a pedestrian tunnel beneath the railroad tracks at the Beacon Metro North Station.

The HMA includes a number of different habitats and supports a diversity of wildlife species. In the HMA there are aquatic and benthic habitats in both the Hudson River and Fishkill Creek, wetlands along the Hudson River and Fishkill Creek as well as in the mouth of Fishkill Creek, and uplands on Denning's Point and along the railroad tracks.

The Hudson River and Fishkill Creek are habitats and nursery grounds for a number of fish and invertebrate species including sturgeon, striped bass, American shad and blue claw crabs. Much of the shallow water area has been colonized by water chestnuts, an invasive species which has altered the natural habitats. Although the impact of water chestnuts on aquatic species has been studied along the Hudson River, direct impacts found in the HMA have not been well studied.

The habitats in the HMA also support a diversity of bird life and many shorebirds forage along the shore and in the water chestnut beds. Both osprey (*Pandion haliaetus*) and bald eagles (*Haliaeetus leucoce*) are state listed threatened species known to occur in the HMA. The southern portion of Denning's Point has been identified as a winter feeding area for bald eagles.

Within the City's Harbor Management Area are a number of land uses that are integral to the City's surface waters and waterfront and thus the HMP. These land uses include:

- Denning's Point State Park
- The Beacon Institute for Rivers and Estuaries (also referred to in this document as The Beacon Institute), with facilities at Denning's Point State Park and proposed docking facilities in Beacon Harbor
- Newburgh-Beacon Ferry (Beacon ferry pier)
- Beacon Sloop Club
- The Hudson River Greenway Trail (Beacon Shoreline Trail, Denning's Point Trail, and Madam Brett Park Trail) and Hudson River Greenway Water Trail
- Long Dock Beacon
- Riverfront Park
- George Trakas' Beacon Point Public Art Work
- Dia:Beacon
- Metro-North Railroad Station

The following goals and objectives are the City of Beacon's vision for its HMA that also provide a standard against which existing conditions and proposed projects and actions can be measured:

- Goal 1: Promote the economic well-being of the City through appropriate waterfront redevelopment.
- Goal 2: Conserve the City's Hudson River heritage as a small, working harbor.
- Goal 3: Protect important habitats and open spaces, and maintain the pastoral character of the southern waterfront.

As the redevelopment in the HMA continues, there are many competing demands for additional uses of the surface waters in Beacon Harbor that will need to be addressed.

These are focused in the southern area of the harbor due to the shallow depths in the northern area, further compounding potential conflicts and space competition for major surface water uses which may include but are not limited to:

- The Beacon Institute for Rivers and Estuaries planning teams chose Beacon as their headquarters because the City of Beacon and Dutchess County anticipated Beacon Harbor as the location for The Beacon Institute's pier for its research vessel and educational outreach, to facilitate the revitalization of the harbor and to promote economic development;
- This pier could possibly offer winter berthing facilities for the Clearwater educational vessel and the Beacon Sloop Club's Woody;

- The Hudson Fisheries Trust wants to moor its proposed museum barge along the waterfront and relocate its Boatbuilding and Small Boat Skills programs (currently on Main Street) to the harbor area;
- The Beacon Sloop Club wishes to maintain and enhance its moorings and boating programs;
- The Dutchess Boat Club, which currently operates a launching ramp and docks to tie up small boats, is seeking a location in which to operate as it must vacate its current site;
- Long Dock Beacon plans to construct a 166 room hotel and conference center for 350 person events on the north side of Long Dock peninsula which would include restaurants, parking for 370 vehicles, and docking for transient boats; and
- The City wishes to encourage and support tourism by making the harbor a destination and by connecting the harbor to the City's downtown area.

Summary of Recommendations

Several recommendations have been identified in this HMP that will advance the City's three goals for its harborfront. These recommendations are designed to minimize, mitigate, or eliminate the issues identified in the HMA.

To promote the economic well-being of the City through appropriate waterfront development, the City, all existing users and all potential uses of the harbor and harborfront area should continue to coordinate with each other concerning the development of Beacon Harbor. Each of the revitalization projects associated with the harbor should be designed to revitalize Beacon Harbor's economic viability and its connectivity with Main Street and other important economic areas of the City (such as Dia:Beacon). The City should take the lead in coordinating and overseeing that all projects are designed to achieve this goal of the HMP.

The conservation of the City's Hudson River heritage as a small, working harbor began its revitalization with the reestablishment of the ferry service from Newburgh and through the establishment of The Beacon Institute for Rivers and Estuaries headquarters in the City of Beacon. In addition, the proposed revitalization of Long Dock peninsula by the Scenic Hudson Land Trust, Inc. (Scenic Hudson) and the Foss Group Beacon, LLC (Foss Group Beacon) will attract visitors as well as prospective businesses to the harborfront. Some of the proposed capital projects that will help to conserve the City's heritage include the construction a research vessel pier for The Beacon Institute and the Hudson Fisheries Trust museum barge. To ensure that the City continues to revitalize its Hudson River heritage, this HMP recommends that the City continues to coordinate with The Beacon Institute, Scenic Hudson, and Hudson Fisheries Trust to ensure the opportunity for all of these projects to come to fruition.

To protect important habitats and open spaces of the HMA, this HMP recommends that the City should continue protecting the important habitats found within the HMA by insuring that all projects within the HMA protect existing or enhance important habitats and open space areas. Included as part of the protection, the City should evaluate the existing sanitary wastewater system, implement Phase II

stormwater best management practices for the stormwater pipe in the northwest corner of the harbor, and conduct a pilot project on best management practices for controlling water chestnuts in the HMA.

Section I - Introduction

1.1. Overview of Harbor Management Plans

Chapter 791 of the Laws of New York of 1992 amended Article 42 of the New York State Executive Law (Waterfront Revitalization and Coastal Resources Act) to provide local governments with the authority to comprehensively manage the uses in their harbor areas by developing a HMP and adopting the laws to implement the plan.

A HMP sets forth a community's vision for its harbor area. The plan addresses the problems, issues, and opportunities related to the use of a harbor, including the lands adjacent to it that may play a role in the uses of the harbor. In particular, a HMP seeks to resolve conflicts between competing uses and to allocate surface water uses. For this reason, HMPs have often been likened to zoning plans for surface water uses.

The City of Beacon's LWRP was approved in 1992. Over the past several years, the need for harbor management and a HMP has increased due to a number of completed and proposed projects that have implications for Beacon's waterfront and surface waters.

The goals of the City's HMP are threefold:

- Goal 1: Promote the economic well-being of the City through appropriate waterfront redevelopment.
- Goal 2: Conserve the City's Hudson River heritage as a small, working harbor.
- Goal 3: Protect important habitats and open spaces, and maintain the pastoral character of the southern waterfront.

1.2. Harbor Management Area Cultural, Ecological and Geographic Context

The City of Beacon is located along the eastern shore of the Hudson River, across from the City of Newburgh to which it is connected by a bridge. It was established in 1913 when the Villages of Fishkill Landing and Matteawan were merged; the name was taken from the signal fires built atop Mount Beacon during the American Revolution. The City, which occupies nearly five square miles and according to the 2000 census has a population of 13,808, is approximately 60 miles north of New York City, 90 miles south of Albany, and 40 miles from Danbury, Connecticut. Commuter service is available to New York City via Metro-North Railroad.

During the 1800s, Beacon became a factory town and was known as the "The Hat Making Capital of the United States". In the early 1900s, brick making became a major industry. In the 1920s and 1930s Denning's Point, located on the Hudson River, and became known as the "Coney Island of Dutchess County" because it attracted such large numbers of swimmers.

The City of Beacon's waterfront is comprised of two distinct components: an active harbor and harborfront and a relatively undeveloped riverfront along the Hudson River to the north and south of the harbor and a portion of Fishkill Creek. Surface water activities are focused in the harbor and harborfront while the riverfront is largely open space and includes Denning's Point State Park.

Historically, Beacon Harbor was small but active. Up until the 1960s, there was ferry service between Newburgh and the City of Beacon that had a fairly large ferry terminal on Beacon Harbor. Long Wharf (a man-made peninsula), now known as Long Dock peninsula or Long Dock Beacon, was the site of a large railroad freight yard and railroad/barge transfer facility that was variously used for bulk fuel and salt storage and for a junk yard. These uses have been abandoned and Long Dock peninsula, long vacant and underutilized, is now being redeveloped by Scenic Hudson and Foss Group Beacon. The New York Central Railroad train station (now Metro-North) is located a short distance from the ferry terminal.

Like many Hudson River towns and cities, Beacon Harbor and harborfront entered into a period of decline as many of the City's industries closed. Over the past decade, however, there has been considerable interest in revitalizing the harbor and its adjacent land uses. Ferry service to Newburgh was reestablished in 2005 and the Beacon train station has become one of Metro-North's most heavily used stations. A planned waterfront revitalization project known as Long Dock Beacon that includes a hotel, conference centers, restaurants, and parks has been proposed on Long Dock peninsula. The City of Beacon was chosen for the headquarters of The Beacon Institute, which is creating a global center for interdisciplinary research, policy-making, and education regarding rivers, estuaries, and their connection to society. This scientific and educational facility is currently revitalizing the abandoned industrial buildings on Denning's Point through a partnership with NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP), the City of Beacon, NYSDOS, and others, and proposes a pier for research vessels at Beacon Harbor.

1.3. Issues and Needs for Harbor Management Plan

The City of Beacon's HMP addresses all of the City's surface waters and waterfront HMA. For the purposes of the HMP, the terms "harbor" and "harborfront" shall apply to the actively used area of the City's surface waters and waterfront respectively while the term "riverfront" shall apply to the shores along the Hudson River and Fishkill Creek where the surface water uses are less intensive and the adjoining area is more natural. The focus of the HMP is Beacon Harbor and its harborfront. Beacon Harbor and its harborfront have been experiencing an increase in usage.

In 2003, the City of Beacon was chosen for the headquarters of The Beacon Institute for Rivers and Estuaries which needs a pier for research vessels and educational programming at Beacon Harbor. Dia:Beacon, a museum focusing on modern art, opened in 2003 attracting a large number of visitors to the harborfront area. In 2005 the ferry service to Newburgh was reestablished, dramatically increasing the number of passengers using the Beacon train station.

There are also a number of proposed or planned uses that will have implications for the harbor and harborfront. A hotel, waterfront esplanade, docks, and public open space that seeks to take advantage of its waterfront location is planned for Long Dock peninsula. The Beacon Institute will have its main facilities at Denning's Point State Park and it needs facilities in the harbor and harborfront to dock and

service its research vessels. The existing uses, such as the ferry service, need to be accommodated; and other such uses as the launching ramp, boat docks, and boat moorings need to be maintained and enhanced. Limiting use conflicts and accommodating those uses that best advance the City's vision and goals are critical to the future of Beacon Harbor.

1.4. Goals and Objectives

The following goals and objectives are the City of Beacon's vision for its waterfront. They also provide a standard against which existing conditions and proposed projects and actions can be measured.

Goal 1: Promote the economic well-being of the City through appropriate waterfront redevelopment.

- Goal 1a. Beacon's waterfront is a critical resource and should be revitalized as a regional and local destination for both residents and visitors.
- Goal 1b. The waterfront should be promoted as a recreational and commercial attraction, while also promoting important transportation activities, public access, and natural resource protection.
- Goal 1c. New development and commercial activities should support rather than dominate the City's waterfront.
- Goal 1d. Development of cultural uses, facilities, and opportunities should be promoted and encouraged.
- Goal 1e. The waterfront should be linked to and integrated with downtown Beacon and other points of interest.
- Goal 1f. Rail infrastructure and parking should be improved and integrated into the waterfront.
- Goal 1g. Waterfront use and access for boaters and pedestrians should be facilitated.
- Goal 1h. A framework should be provided to guide the City of Beacon in setting up a harbor management mechanism or organization which will continue to oversee, coordinate, manage, and provide direction for harbor activities.

Goal 2: Conserve the City's Hudson River heritage as a small, working harbor.

- Goal 2a. Water-dependent development and uses should be concentrated in the active northern area.
- Goal 2b. Beacon's waterfront heritage should be interpreted and be an underlying theme for future uses and development.

Goal 3. Protect important habitats and open spaces, and maintain the pastoral character of the southern waterfront. Habitats and open spaces are described further in Section 2 – Inventory and Analysis

- Goal 3a. Through The Beacon Institute for Rivers and Estuaries, the City should seek to enhance its reputation as the center of scientific research on the Hudson River.
- Goal 3b. Sight lines and scenic vistas within the waterfront area should be protected and enhanced.

Goal 3c. Best management practices for control of water chestnuts should be investigated and undertaken.

1.5. Political and Regulatory Framework

The City's harbor, harborfront, and riverfront are under multiple jurisdictions and a number of agencies will play a role in the future of the City's HMA. The City of Beacon is located in Dutchess County. While the City is largely responsible for regulating land use within its boundaries, under New York State General Municipal Law, some projects within the City must also be reviewed or approved by the town or county. Most of the underwater lands in the HMA are owned by the State of New York and are not within the boundaries of the City, but within the Town of Fishkill. The City of Beacon has communicated with the Town of Fishkill concerning the HMP.

The following is brief summary of the different roles the various agencies may have with respect to the implementation of the HMP.

1.5.1. Federal Government

United States Environmental Protection Agency (USEPA)

USEPA's mission is to safeguard human health by protecting the integrity of the environment. USEPA pursues this mission by developing legislation and national environmental protection programs and by administering funding to states and municipalities for the development and implementation of environmental plans, policies, projects, and programs. USEPA sponsors a number of programs for the protection of natural resources such as surface water quality, including various Clean Water Act (CWA) programs, and publishes a variety of environmental protection and planning guidance documents to provide technical support and educational assistance to the public.

United States Fish and Wildlife Service (USFWS)

The USFWS has jurisdiction over the protection of migratory birds, federally-listed rare, threatened, and endangered species, marine mammals, and freshwater and anadromous fish. The USFWS works with individuals as well as public and private agencies to preserve, protect, and enhance the viability of fish and wildlife habitats within the United States. The USFWS must be consulted when a proposed project or action may impact endangered or threatened species.

Other responsibilities include enforcement of national wildlife laws, the restoration of wetlands, and the enhancement of wildlife populations.

United States Army Corps of Engineers (USACE)

The USACE has regulatory jurisdiction over all construction and filling activities taking place in the waters and wetlands of the United States, including the construction of docks and piers. The USACE has authority under § 10 of the Rivers and Harbors Act of 1899 and § 404 of the CWA which governs the permitting process for discharge of dredged or fill material. The USACE also has primary authority over federal flood and coastal erosion projects.

National Oceanic and Atmospheric Administration (NOAA)

The overall mission of NOAA is to undertake oceanographic and atmospheric investigations and to conserve and manage the coastal and marine resources of the United States. NOAA's National Marine Fisheries Service (NMFS) is responsible for rebuilding and maintaining the health of coastal marine habitats and managing fisheries as well as assessing the impacts of proposed projects on Essential Fish Habitat, marine mammals, and rare, threatened, and endangered species.

United States Coast Guard (USCG)

The U.S. Coast Guard is responsible for promoting the safety and security of the nation's waters. The Coast Guard enforces maritime laws, promotes vessel safety, conducts inspections of commercial and recreational vessels, participates in homeland security, undertakes illegal drug interdiction, responds to oil and hazardous materials spills, and performs emergency searches and rescues. The USCG is responsible for maintaining public aids to navigation (buoys, lights) and regulating the placement of private aids to navigation. The USCG undertakes icebreaking in the Hudson River to allow vessel passage.

1.5.2. New York State

New York State Department of Environmental Conservation (NYSDEC)

The New York State Department of Environmental Conservation, among other environmental responsibilities, manages the State's recreational and commercial fisheries, tidal and freshwater wetlands, and other natural resources. Under the Freshwater Wetlands Act, the NYSDEC issues permits for dredging, the construction of docks, piers, and shore protection, and building within 100 feet of a freshwater wetlands. Under the Use and Protection of Waters, the NYSDEC issues water quality certifications that certify that a proposed activity will not violate water quality standards and regulates docks and fill placement. The NYSDEC manages water quality throughout the state and through the State Pollution Discharge Elimination System (SPDES) oversees municipal stormwater management programs. The NYSDEC is overseeing the brownfield cleanup program at Long Dock Beacon. The NYSDEC also undertakes scientific research.

New York State Department of State (NYSDOS)

As described on the NYSDOS website <http://nyswaterfronts.com>, "the New York State Department of State's Division of Coastal Resources works with communities throughout New York State to help them make the most of what their waterfronts have to offer. Whether you are a municipal official, community group, non-profit organization, business, or someone who has an interest in the waterfront, the Division of Coastal Resources can help."

The Division of Coastal Resource provides information on ways to improve your community through planning, preservation and redevelopment of important waterfront resources and brownfields. The Division provides tools and techniques including effective local and regional initiatives, GIS waterfront mapping, conducting consistency reviews and information on state and federal grant opportunities. The Division of Coastal Resources reviews the actions of State agencies and advises them regarding consistency procedural matters and the consistency of their actions with State coastal policies, approved Local Waterfront Revitalization Programs, and other CMP special management area plans.

New York State Department of Health (NYSDOH)

NYSDOH identifies water-bodies that have compromised water quality which may have adversely affected the suitability of fish for human consumption and issues public health advisories on the consumption of living marine and aquatic resources.

New York State Office of General Services (NYSOGS)

NYSOGS must authorize the construction or placement of structures on State-owned underwater lands which include most of the Hudson River (there are a few privately owned underwater parcels in the HMA). Most residential docks are exempt from obtaining an authorization since they are covered under the riparian rights of the upland owner. All non-residential docks, piers, and moorings require authorization in the form of a lease, easement, license, or permit. The fee schedule is based upon the potential income from the dock, pier, or mooring.

1.5.3. Dutchess County

The City of Beacon is located in Dutchess County. Sub-division plats and changes of zone may require county review or approval. County Health Department approval is needed for sanitary facilities.

1.5.4. Town of Fishkill

The land portion of the HMA in the City of Beacon is surrounded by the Town of Fishkill and nearly all of the Hudson River within the HMA is within the Town of Fishkill. The Town of Fishkill may have the authority to approve the construction of dock and piers in the Hudson River when the area that the pier is to be constructed traverses underwater lands under the Town of Fishkill's jurisdiction.

1.5.5. City of Beacon

Jurisdiction over the HMA resides in the Beacon City Council through its overall legislative authority as well as through Chapter 33 of the City of Beacon Code of Ordinances for harbor specific activities. Authority for various planning, development review, and harbor management activities are delegated as follows: harbor management planning is delegated to the Conservation Advisory Committee working with other city staff and stakeholders; day to day harbor management activities are currently undertaken by the Beacon Sloop Club; new development in the HMA is reviewed by the Planning Board for site plan and subdivision review; the City Council is responsible for issuing Special Permits; and the Zoning Board of Appeals issues zoning variances and ordinance interpretations if required. The Department of Public Works issues permits for development in flood prone areas and for sewer and water hookups. The City of Beacon City Council adopts and amends laws, makes LWRP Consistency determinations, and approves changes of zone. The City's Fire Department provides emergency services, both on land and on the water. The City has its own police department. The existing jurisdictional structure described above does not provide a fully coordinated mechanism by which all HMA future planning, development, and management activities and may require a more coordinated effort in order for the expected development to occur.

1.5.6. Metropolitan Transit Authority

MTA Metro-North Railroad

The Metropolitan Transit Authority's Metro-North Railroad parking at the Beacon Railroad Station is a major feature and limitation in the City's harborfront. The parking at the station will play a major role in the future uses of the harbor and harborfront. Parking at the station is under the auspices of the MTA Metro-North, which leases the parking area from the City.

1.6. Harbor Management Area

Most the City of Beacon is within the City's Local Waterfront Revitalization Area (LWRA). Beacon's HMA extends from just north of the Newburgh-Beacon Bridge south to the southern tip of Denning's Point which is located within Hudson Highlands State Park and thence up the mouth of Fishkill Creek. It extends out into the Hudson River to a distance of 1500 feet.

It includes both surface waters and the lands adjacent to the surface waters that can influence what takes place on the surface waters and whose use may be influenced by what takes place on the surface waters.



Figure 2 - Aerial Photography of the City of Beacon Waterfront

The boundaries of the HMA are shown on [Figures 1](#) and [2](#) and are described as follows:

1.6.1. Landside Boundary

The landward boundary of the HMA is the boundary of the City of Beacon's LWRA boundary as adopted in 1991, except that it only encompasses the mouth of Fishkill Creek. The landside boundary is described as follows:

Beginning at the intersection of the northern boundary of the City of Beacon and the Hudson River, proceeding easterly along the boundary line between the City of Beacon and Town of Fishkill to where it intersects with Route 9D and thence following Route 9D (North Avenue) south to its intersection with Main Street and thence continuing along South Avenue to Tioronda Avenue. At the intersection of Tioronda Avenue and South Avenue, the boundary continues to the centerline of the railroad tracks and thence continues along the centerline of the railroad tracks in a northeasterly direction along the Fishkill Creek to South Avenue. It thence continues along South Avenue across the bridge over Fishkill Creek to the intersection of South Avenue and Slocum Road. At the intersection, it thence continues along Slocum Road in a southwesterly direction to where it intersects the boundary between the City of Beacon and the Town of Fishkill. It thence continues along the City/Town boundary to the southernmost point of land at the eastern end of Denning's Point on the Hudson River.

1.6.2. Waterside Boundary

The limits of the City of Beacon generally run along the shoreline of the Hudson River from north of the Newburgh-Beacon Bridge south to the southern tip of Denning's Point and thence along the southern shore of Fishkill Creek. The proposed surface water boundary of the HMA in the Hudson River is a line generally located 1,500 feet west (towards the centerline of the Hudson River) of the shoreline as described as follows:

Extending the City's north boundary, where the City boundary intersects the shoreline just north of the Newburgh-Beacon Bridge, westward 1,500 feet (towards the centerline of the Hudson River) into the Hudson River. It thence continues southerly to a point located 1,500 west of the City of Beacon's Riverfront Park and thence continues southerly to a point located 1,500 west of the southernmost tip of Long Dock peninsula. It thence continues southerly 1,500 feet from the shoreline to the westerly extension of the City of Beacon city line as it extends from the southernmost point of land at Denning's Point and thence along this line to the eastern most tip of Denning's Point. It thus continues along the easterly City-Town of Fishkill boundary to the southern shoreline of Fishkill Creek. It encompasses Fishkill Creek as far as the bridge over Fishkill Creek at South Avenue.

1.6.3. Major Features of the Beacon Harbor Area

Within the City's HMA are a number of land uses that are integral to the City's surface waters and waterfront and thus the HMP. The major features include:

- Denning's Point, part of the Hudson Highlands State Park

- The Beacon Institute for Rivers and Estuaries' public, educational and scientific facilities at Denning's Point State Park and proposed docking facility in Beacon Harbor
- Newburgh-Beacon Ferry Beacon ferry pier
- Beacon Sloop Club
- The Hudson River Greenway Trail (Beacon Shoreline Trail, Denning's Point Trail, and Madam Brett Park Trail) and Water Trail.
- Long Dock Beacon
- Riverfront Park
- Dia:Beacon
- Metro-North Railroad Station

Section 2 - Inventory and Analysis

2.1. Land Use General Overview

The City of Beacon encompasses a land area of approximately five square miles. The City's HMA extends along the Hudson River from the northern boundary of the City of Beacon, which is located about a quarter of a mile north of the Newburgh-Beacon Bridge (I-84), south to Denning's Point, and then easterly up the Fishkill Creek to the Tioronda Bridge at South Avenue, a total distance of approximately 4.25 miles. The City's waterfront is comprised of three distinctive zones or "reaches": the riverfront north of Riverfront Park ("northern reach"); the Beacon Harbor area which encompasses Riverfront Park and Long Dock peninsula, two peninsulas of land that extend into the Hudson River, together with the surface water between these two features (Beacon Harbor); and the riverfront south of Beacon Harbor ("southern reach") which extends from the south shore of Long Dock Peninsula to Denning's Point, and from Denning's Point up Fishkill Creek to where it is crossed by the Tioronda Bridge at South Avenue. Refer to [Figure 3 – City of Beacon Waterfront Land Use](#) to see the boundaries of the HMP.



Figure 3 – City of Beacon Waterfront Land Use

The land use in the City of Beacon's waterfront is a mix of parkland, transportation, institutional, commercial, and residential uses ([Figure 3](#)). The Metro-North railroad tracks that run along the Hudson River several hundred feet inland from the river and across the mouth of Fishkill Creek are a dominant feature of the City's waterfront because they separate the City's downtown from the river, with two exceptions. A vehicle/pedestrian bridge on Red Flynn Drive, which crosses over the railroad tracks in the

Beacon Harbor area, and a bridge and at-grade crossing which provide access across the railroad tracks to Denning's Point both offer connections between the City and the Hudson River.

Northern Reach

The land between the Hudson River and the railroad tracks, although one time natural, has undergone anthropogenic manipulation, including rip-rap that has been placed along the shoreline to retard erosion. The Newburgh-Beacon Bridge crosses over the northern reach, and north of the bridge is a small area of undeveloped land inland of the railroad tracks that is owned by American Premier Underwriters. From the Newburgh-Beacon Bridge south to Riverfront Park inland of the railroad tracks there is a mix of residential development that is separated from the railroad tracks by a band of woodlands.

Beacon Harbor and Its Surroundings

Beacon Harbor is located on the west (Hudson River) side of the railroad tracks. It is comprised of four components: the City's Riverfront Park, Long Dock peninsula, the surface water between Riverfront Park and Long Dock peninsula, and the shoreline between Riverfront Park and Long Dock peninsula along the west side of Red Flynn Drive (Figure 4). Vehicle and pedestrian access to the Beacon Harbor area is provided by Red Flynn Drive via a bridge that crosses over the railroad tracks and then continues northerly parallel to the railroad tracks, terminating at Riverfront Park; pedestrian access is also available via the underpass beneath the Beacon Railroad station.

Riverfront Park is a man-made peninsula of land that extends approximately 700 feet into the Hudson River. This City owned park has an area of approximately seven acres and offers a number of recreational opportunities including walking, tennis, and basketball. There is also a small parking lot that can accommodate ten vehicles.

Beacon Harbor is divided into two areas by a stone groin that extends westerly from the shoreline. The area north of the groin is shallow and not used, while the area on the south side is deeper and is the active harbor.

Long Dock peninsula is also a man-made peninsula that has an area of 26.49 acres and although currently vacant, is proposed to be redeveloped as a mixed-use hotel and recreational facility. Scenic Hudson owns 24.75 acres and an undeveloped 1.74 acre rectangular parcel in the northeast corner is owned by the City of Beacon.

The railroad terminal for Beacon Station is located adjacent to the Beacon Harbor area. Metro-North owns and maintains the platform and also owns the large parking area that is located on the east side of the train station and a smaller parking area on the west side of the railroad tracks. Metro-North has recently purchased the property of the Beacon Hat Factory on the east side of the railroad station but has not announced plans for its future use.



Figure 4 – City of Beacon Aerial Photograph of the Harbor Area

Long Dock Beacon

The property owned by Scenic Hudson is the only privately owned land available for development in the waterfront area. Approximately 8.5 acres of Long Dock peninsula are being proposed for development through an agreement between Scenic Hudson and the Foss Group Beacon; Foss Group Beacon will lease this property from Scenic Hudson. Sixteen acres of Long Dock peninsula are being proposed as a park to be developed by Scenic Hudson. The proposed development will include:

- **Hotel and Conference Center:** The main building will consist of a three story mixed-use hotel and conference center which will include 166 hotel rooms, a conference center designed to handle 350 person events, a fine dining “white tablecloth” restaurant, a bistro, and minimal retail space for hotel sundries and river related products. Surrounding the entire hotel and conference center building and along the north pier portions will be a fully accessible public walkway.
- **Red Barn:** The existing 4,000 square foot Red Barn building has been renovated and will be adaptively reutilized for community based programs and educational uses, such as boat building.
- **Greenhouse:** Adjacent to the Red Barn, the construction of a 1,900 square feet greenhouse is proposed which will be utilized for community education purposes as well as for growing of fresh flowers and herbs to be used in the hotel and restaurants. The greenhouse building will also include public washrooms.

- North Boardwalk and Public Plaza: The northern shore of Long Dock peninsula will be developed with a pedestrian oriented public space with multiple opportunities to view and access the Hudson River and which will also afford space for community and hotel conference center gatherings and activities. The western terminus of the North Boardwalk will be an open public plaza anticipated to be the focal point of seasonal outdoor special and civic events. This public gathering place overlooking the Hudson River will provide panoramic views to the north, south, and across the river. A small building located on the Public Plaza will be developed to provide a covered seasonal food concession. Also, along the North Boardwalk will be terraced steps providing visual public access to the water's edge and views of the active public harbor, an outdoor picnic area, and access to the greenhouse and Red Barn.
- Quiet Harbor: The surface water area currently utilized by the Dutchess Boat Club under a month to month lease with Scenic Hudson will be reconstructed as a Quiet Harbor. The Quiet Harbor will be for non-petroleum powered recreational river-oriented activities, including canoeing, kayaking, windsurfing, and other human-powered vessels and electric motor craft. Floating docks will be provided in the same location as the existing docks and the existing boat ramp within the Quiet Harbor area will continue to be utilized. In addition, the eastern end of the Quiet Harbor will be cleaned up and transformed into a usable beach area, which will be utilized for the launching and landing of non-motorized boats. On shore, an approximately 3,000 square foot boating storage building will be constructed for storage of small boats by the public, the rental of non-motorized water craft, and limited sales of boating related supplies.
- Scenic Hudson Park at Long Dock: Surrounding the hotel and conference center will be the Scenic Hudson Park at Long Dock. The park will consist of approximately 15 acres of trails (including access to Beacon Riverside Trail), a public artwork by George Trakas, pathways, enhanced and created wetlands, lawn, meadowlands, interpretive signs, bird watching areas, picnic areas, an environmental demonstration area, and other public amenities.

City Owned Property

The City owns the parcel of land located on the south side of the harbor, along the north side of Long Dock peninsula (approximately 1.8 acres), the Riverfront Park (approximately six acres) on the north end of the harbor, and the shorefront between Long Dock peninsula and Riverfront Park and Long Dock Beacon on the south (approximately one acre).

The City also has jurisdiction over several existing uses in the harbor and harborfront area which include: the pier which is used primarily by the Newburgh-Beacon Ferry; floating docks and moorings; the public boat ramp; the clubhouse and parking for the Beacon Sloop Club; parking for Metro-North (owned by the City and leased to Metro-North); and a walkway between the ferry dock and the Metro-North train station.

The Southern Reach

South of Long Dock peninsula, the land between the Hudson River and the railroad tracks is open space. Running through this open space is the Beacon Riverside Trail which connects Beacon Harbor to Denning's Point. In addition to the main railroad track, there are railroad tracks owned by Metro-North that run parallel to the main tracks before crossing at Denning's Point and then continuing along Fishkill Creek. On the east side of the railroad tracks is located Dia:Beacon, a world renowned art museum that occupies the refurbished, former Nabisco packaging plant. Also located on the east side of the railroad tracks at the end of Denning's Avenue are the City's compost facility and wastewater treatment facility.

The Denning's Point peninsula is open space and comprises Denning's Point State Park, which is part of the Hudson Highlands State Park. The main facilities of The Beacon Institute for Rivers and Estuaries are located within Denning's Point State Park.

Immediately south of Denning's Point is the railroad bridge that crosses Fishkill Creek. On the east side of the bridge, within the mouth of Fishkill Creek, is a large area of wetlands. The land along the shore of Fishkill Creek is undeveloped except for Beacon Terminal, a vacant former hat and textile factory adjacent to the Tioronda Bridge. The Madame Brett Trail runs through Madame Brett Park along Fishkill Creek.

Beacon Terminal has the potential to be an important redevelopment project. It is presently owned by Beacon Terminal Associates, L.P., a real estate investment and redevelopment company located in New York City. The company has been investigating the possibility of renovating the abandoned industrial buildings to accommodate art, commerce, and affordable living including the construction of a 600 seat theater, studios for individual artists, a small art museum, and an inn all to be located at the former hat and textile factory.

2.1.1. Zoning

There are 18 zoning categories in the City of Beacon; 12 of these categories are found in the HMA (Figure 5). The zoning of the City's waterfront along the Hudson River is predominately Waterfront Park (WP) and Waterfront Development (WD). These two zoning districts were recommended in the City's LWRP and are designed "to revitalize the City's riverfront, encourage appropriate recreational and open space uses of publicly owned land at the river and encourage the revitalization of presently underutilized privately owned lands at the riverfront" (LWRP V-10).

Zoning in the Northern Reach

The zoning along the waterfront of the northern section of the northern reach is R1-20 residential. R1-20 allows single family residences with a minimum lot size of 20,000 square feet.

The zoning immediately along the shoreline of the southern portion of the northern reach and extending inland approximately 200 feet is WP. WP zoning allows for open space and public parks and as set forth in Article IVA (Waterfront Zones) Section 223-41.3 of the City of Beacon's Zoning Code. The purpose of the WP zoning district is to:

City of Beacon Local Waterfront Revitalization Program

- maintain, enhance, and increase the levels and types of access to public water-related resources and facilities, including boating facilities, fishing areas and Waterfront Parks;
- encourage public pedestrian access along the water's edge in a manner compatible with adjoining privately-owned land uses;
- encourage water-dependent and water-enhanced recreation in a manner consistent with the preservation and enhancement of other coastal resources and with the public demand for such recreational uses; and,
- encourage uses which further the revitalization of the City's waterfront in a manner compatible with the scenic beauty and recreational opportunities of the riverfront area.

The permitted principal uses on properties zoned WP include: water dependent and water enhanced recreational activities such as fishing, swimming, and boating; park facilities; flood and erosion control structures; scientific and educational facilities; and piers, docks, marinas and boat launching facilities, and charter boat businesses. Permitted accessory uses, such as public festivals, street fairs, craft and art fairs, and concerts can be undertaken with prior approval by the City Council.

Inland of the WP zone, the zoning is a mix of RD-3 and RD-6 which are "Designed Residence" Districts. RD-3 allows for one and two family residences and multi-family residences with 3,000 square feet per dwelling and a minimum lot size of 5,000 square feet. RD-6 allows for one and two family residences and multi-family residences with 6,000 square feet per dwelling and a minimum lot size of five acres.

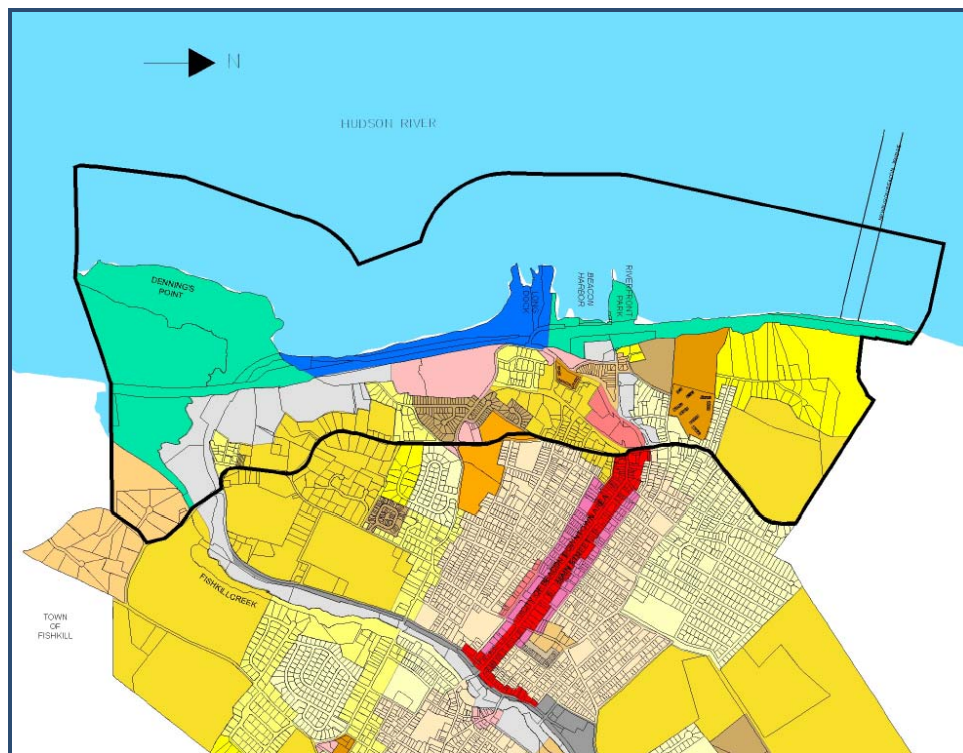


Figure 5 – City of Beacon Waterfront Zoning

Zoning in the Beacon Harbor Area

The zoning of the Beacon Harbor area is WP, WD and Light Industrial (LI). Riverfront Park, the land along Red Flynn Drive, and the northeastern corner of Long Dock peninsula, which are all owned by the City, are zoned WP as are the Beacon train station and the train station parking area on the east side of the railroad tracks; the former Beacon Hat Factory site is zoned LI.

The portion of Long Dock Beacon owned by Scenic Hudson is zoned WD. The purpose of the WD zoning district is to:

- stimulate the revitalization of the City and its waterfront by establishing a well-designed central focus for the City's waterfront area;
- provide for land uses consistent with the Beacon LWRP, including residential and waterfront commercial uses, to serve as a catalyst for the economic and physical revitalization of the entire waterfront area;
- encourage a mix of uses on the waterfront with a consistent set of design standards to assure a unified and comprehensively planned development that will function effectively and achieve a high standard of site planning and architectural design;
- eliminate deteriorated structures and incompatible, visually unattractive, or otherwise deleterious land uses; and
- increase pedestrian public access to, and the potential for the enjoyment of, the waterfront and to integrate that access with existing and anticipated pedestrian public access opportunities on adjacent public lands.

The permitted principal uses in a WD District include any use that is a mixed use incorporating various land-use elements as part of a comprehensive plan. These uses can include marine uses, marine-related retail and service businesses, convenience retail and personal service shops, restaurants, inns, hotels, boatels, conference centers, fitness centers, spas and day-care centers, public or semipublic uses, art, craft, or fine arts galleries, professional, small business offices and service facilities, charter boat businesses, fishing piers, and artist live/work spaces. Permitted accessory uses include any accessory use permitted under WP zoning, uses customarily incidental to permitted uses, and support facilities necessary to serve permitted uses.

Zoning in the Southern Reach

WD zoning encompasses the riverfront from Long Dock peninsula to Denning's Point between the railroad tracks and the shoreline, and along the east side of the railroad tracks. East of the railroad tracks, the zoning in this reach is Local Business (Dia:Beacon) and L1 (several small businesses, the City of Beacon's compost facility and wastewater treatment plant and former landfill). The properties west of the wastewater treatment plant and former landfill, Denning's Point, and the mouth of Fishkill Creek are zoned WP. The several properties along Fishkill Creek are zoned L1. Refer to [Figure 5 – City of Beacon Waterfront Zoning](#).

2.1.2. Transportation and Circulation

Traffic Circulation and Parking

The major roadways leading to the City of Beacon are I-84 and State Road 9D. I-84 runs east-west and connects the City to eastern New York State and Connecticut, and to the west side of the Hudson River and the City of Newburgh by means of the Newburgh-Beacon Bridge. State Road 9D is a major north-south arterial that runs through the City of Beacon and provides access to the areas north and south of the City. Tioranda Avenue and South Avenue provide access through the Fishkill Creek area of the HMA. Denning's Avenue provides access to Denning's Point.

The railroad tracks that parallel the eastern bank of the Hudson River greatly restrict access to the riverfront within the HMA. There is an above grade crossing south of the railroad station on Red Flynn Drive that connects the inland/upland areas of Beacon with the harbor area. Access to Denning's Point across the railroad tracks is provided by an above grade crossing (the bridge is narrow and weight restricted) and an at-grade level railroad track crossing for the Housatonic Railroad (the tracks are used infrequently by trains).

Parking along the harborfront is limited to the small parking area in Riverfront Park (ten spaces), along Red Flynn Drive (50 spaces), in the area of the ferry dock (20 spaces) and in the large lot next to the train station (175 spaces). With the exception of the parking at Riverfront Park, all of this parking is regulated by Metro-North and dedicated to commuter parking on weekdays.

There is a large parking area for the Beacon Station on the east side of the railroad tracks, and permit parking for the station is also available along Beekman Street. The parking capacity at the station and along Beekman Street is 963 spaces and there is a parking permit waiting list of approximately 500, even though Metro-North has recently added 365 parking spaces. Most of these parking spaces are not used during the weekend.

Metro-North Railroad (MTA) Intermodal Facility

Currently, the Beacon Station provides a total daily boarding of Manhattan bound riders of 1,877 persons and on an average weekday accounts for approximately seven percent of the Metro-North Hudson Line's Manhattan bound ridership. Over the last five years, Metro-North's ridership in Dutchess County has grown by 50 percent and is expected to grow by an additional 40 percent in the next ten years.

Recognizing the need to improve parking and access at the Beacon Station while at the same time better integrating Beacon Station into its surroundings, in 2002 Metro-North initiated a community-based planning process to address these needs. The planning process considered improving the appearance of the railroad station facilities, Beacon Station's role as a rail and intermodal center, and improving access and linkages within and between the surrounding areas and developments. It took a broad and inclusive view of the Beacon Station area and the role it plays not only as a transportation hub, but also as a conduit to and from the Hudson River.

The vision that resulted from the planning process was to develop services and facilities to:

- create Beacon Station as a "Gateway to the Hudson Valley,"

- facilitate and support intermodal uses (bus, ferry, pedestrian, bicycles, taxi, etc),
- provide a design function that can serve a variety of purposes in addition to rail travel, and
- reflect the image of the community/region it serves.

The planning process culminated in a community meeting in 2004. One of the major recommended improvements was the construction of a parking garage on the east side of the railroad station which would replace the commuter parking on the west side, so it would be available to harbor visitors. The first step in achieving these results has begun. The MTA Metro North Railroad issued a Request for Expressions of Interest in October 2007. This initiates the process of identifying qualified developers to design and construct a dynamic, mixed-use, Transit-Oriented Development (TOD) at its Beacon Station facility. The context and requirements of this TOD were generated from the Beacon Station Area Master Plan, a planning process that involved MTA, the community, and stakeholders. This upland development will be an important adjacent component to the Beacon Harbor revitalization.

Pedestrian Circulation

Pedestrian access to the riverfront is difficult because of the barrier created by the railroad tracks. There are three ways in which pedestrians can access the Beacon Harbor area. One is Red Flynn Drive that also provides vehicular access to the Beacon Harbor area. A second way is through the underpass beneath Beacon Station which links the parking lots on the east side of the railroad tracks to the harborfront, and the third way is the Beacon Riverside Trail which is accessed at Denning's Point.

Because of the railroad tracks, the only pedestrian access to the riverfront between Long Dock Peninsula and Denning's Point is by means of the Beacon Riverside Trail, which can be accessed from either Long Dock peninsula or Denning's Point. Pedestrians can access Denning's Point by means of Denning's Avenue.

Bus Transportation

On weekdays, the Newburgh-Beacon-Stewart Shuttle bus service, which is provided under contract with the New York State Department of Transportation, operates between Stewart International Airport, the City of Newburgh, the City of Beacon, and the Beacon railroad station. It also provides express service from Newburgh to the railroad station.

Newburgh-Beacon Ferry

Metro-North's Newburgh-Beacon ferry began operation in late October 2005 as a way to reduce vehicle traffic between Newburgh and Beacon, and to address the lack of parking in Beacon for Metro-North customers living on the west side of the Hudson River. The trip across the Hudson River takes ten minutes and there are six ferry trips in the morning and eight in the evening (Monday–Friday only). The ferry boat is 65 feet in length, 20 feet in width, and has a draft of six feet. It is powered by two engines, is manned by one captain and two crew members, and has a capacity of 149 people. It requires a 50 foot wide navigational path to and from the ferry pier and a 150 foot turning area at the end of the pier.

There is free parking for the ferry in Newburgh and the ferry dock in Beacon is only a few hundred feet from the railroad station. Frequent users can pay for the ferry by buying a "UniTicket" which is a greatly discounted unlimited-ride monthly combination ferry/rail ticket. Metro-North has a Guaranteed Ride

Home program that will be offered to all its monthly UniTicket holders which will provide ticket holders taxi service from Beacon Station to their home or car during times when there is no scheduled ferry service (weekday, off peak).

Connection between Key Sites

There are many sites of interest scattered throughout the City of Beacon's HMA including: Dia:Beacon, Denning's Point State Park, The Beacon Institute for Rivers and Estuaries, downtown Beacon, and the Beacon Harbor area (Figure 6). At the present time, travel between these and other sites is limited to automobile, taxis, walking, bicycles, and a weekend bus shuttle.

2.1.3. Parks and Open Space

Madam Brett Park

Named for Beacon founder Kataryna Rombout Brett, this 12 acre park is owned by Scenic Hudson and managed by a partnership between Scenic Hudson and the City of Beacon. The park is located at the mouth of Fishkill Creek and is accessed off South Avenue after passing through a one lane railroad underpass. Recent upgrades to the park provide a hiking/biking trail that will ultimately be linked with the Greenway Trail System. Vandalism, which is probably due in part to its isolated location, has been a problem at the park.

Riverfront Park

Riverfront Park is a peninsula of land that is the City's only riverfront park. As the result of a law passed in 1962 by New York State, the City acquired the property from New York State Bridge Authority for use as parkland.

Vehicle access to the park is via Red Flynn Drive. Pedestrians can access the park from the east side of the railroad tracks by means of the underpass beneath Beacon Station. The park offers basketball courts, a playground, a sand volleyball court, and picnic tables with accompanying grills; an asphalt walkway is located along the perimeter of the park's riverfront. The park also offers panoramic views of the Hudson River, the Newburgh-Beacon Bridge and the northern section of the Hudson Highlands.

Hudson River Valley Greenway

The Hudson River Valley Greenway is a state program created by the New York State Legislature in 1991 that encompasses a network of existing and new trails that connect riverfront parks, historic sites, and other features.

The City of Beacon participates in the Greenway Compact which provides communities with incentives through the Hudson River Valley Greenway Act, and as of March 2004, there were four Greenway riverside trails in the HMA:

1. Trail of Two Cities: Located in the City of Beacon and maintained by the City of Beacon Public Works Department, this 4.6 mile trail links the Beacon waterfront and Main Street to the Hudson Highlands and the Newburgh-Beacon Bridge.
2. Denning's Point (Riverside) Trail: 1.2 miles maintained by the NY/NJ Trail Conference.
3. Madam Brett Park Trail: 1.0 mile maintained by Scenic Hudson.

4. Beacon Riverside Trail: a mile long walking and biking trail built in 2004 on the Hudson River side of the railroad tracks that connects the Beacon Harbor area with Denning's Point. Much of the trail traverses Scenic Hudson's property and will be incorporated into the trail system at Long Dock Beacon when that project is built. As part of Beacon's Greenway Trail System, the Beacon Riverside Trail will also eventually link to the Fishkill Creek Trail, the Hudson Highland Trail, the Mount Beacon Trail and the Trail of Two Cities which links Beacon and Newburgh. In addition, the City is currently constructing the trail to extend the Beacon Riverside trail to Madam Brett Park.

The Hudson River Water Trail, in conjunction with the Greenway, provides access for kayaks, canoes and small boats, with the goal of providing access points (boat launches) approximately every ten miles along both sides of the river.

The City of Beacon has two designated Water Trail sites within the HMA. One is located at the City's public boat launch and the other is located on the western shore of Denning's Point. The public boat launch can accommodate both hand and trailer launching while Denning's Point is restricted to hand launching only. Both sites are designated for day use.

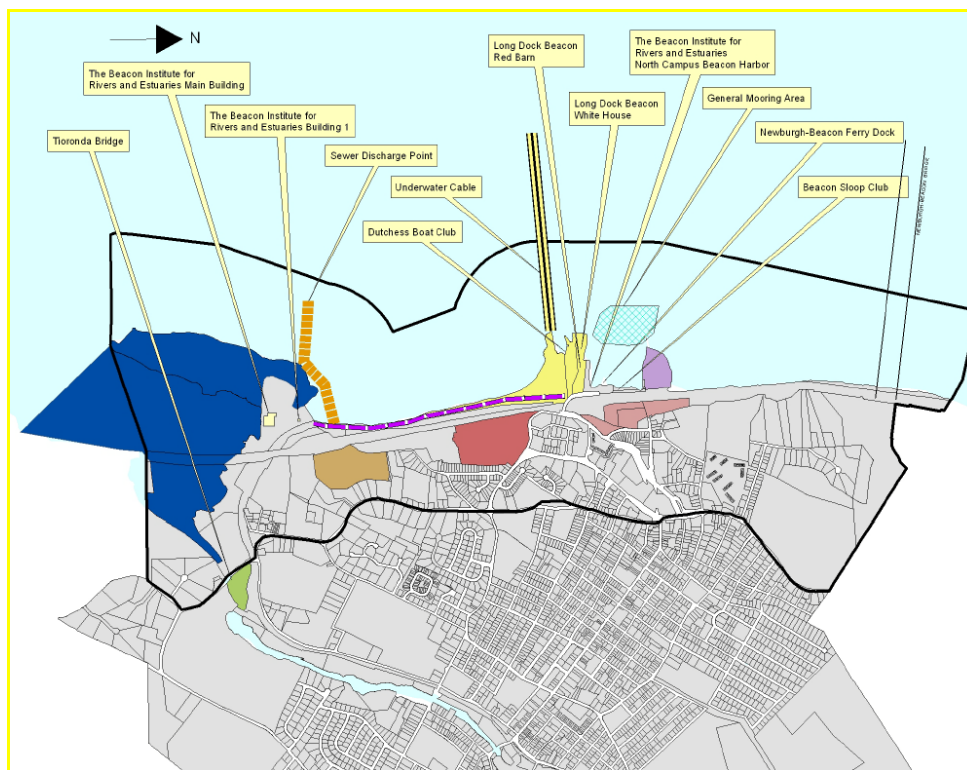


Figure 6 – City of Beacon Waterfront Facilities

Denning's Point State Park

Denning's Point State Park is located in the southern section of the City's HMA on the eastside of the railroad tracks. It encompasses all 65 acres of Denning's Point peninsula and approximately 160 acres of the mouth of Fishkill Creek. It was added to the Hudson Highlands State Park in 1988 and is the

northernmost section of the park. It is currently accessed from the parking area located at the City's wastewater treatment plant at the end of Denning's Avenue.

The park currently does not offer any amenities. There is, however, a 1.2 mile hiking trail (Denning's Point Trail) that circles Denning's Point and connects to the Beacon Riverside Trail.

In 2000, New York Governor George Pataki announced that portions of the park would be used for the River and Estuaries Center Riverfront Campus. (In 2006, the Rivers and Estuaries Center changed its name to The Beacon Institute for Rivers and Estuaries.) The proposed improvements include:

- **Building One**

Opening in 2008, Building One features an adaptive reuse of a 19th century Denning's Point Brick Works building. The building will utilize the latest green technologies and function as an educational center, exhibition space and interpretive visitor's center.

- **Parking and Road Improvement**

Once the main building is constructed, the majority of The Beacon Institute's parking requirements will be accommodated on top of the now closed municipal landfill located adjacent to the wastewater treatment facility at the end of Dennings Avenue. A planning process by the City of Beacon is underway which will be examining ways of providing more direct access both to Route 9 and to the central business district and diverting traffic away from the residential community north of Denning's Point.

- **Main Building**

This building will be located on or near the footprint of the former Noesting Pin Ticket Company building. It will house the administrative offices, interdisciplinary scientific and research laboratories, meeting, educational and conference spaces, as well as areas for public information sharing and community access.

Scenic Hudson Park at Long Dock

This proposed park will surround the hotel and conference center to be constructed at Long Dock Beacon (Figure 7). This public park will include improvements to the shoreline and existing bulkhead, new trails that will be linked to the Beacon Riverside Trail, universally accessible walkways and a fishing pier, a public artwork by George Trakas which includes terraced steps for viewing the Hudson River, wetland enhancement and creation, kayak put-in stations, historic and environmental interpretive areas, meadowlands, bird watching areas, and areas for picnicking and passive recreation.

2.1.4. Scenic Resources

Hudson Highlands Scenic Area of Statewide Significance

In order to determine which areas in New York State met the criteria of statewide aesthetic significance in coastal areas, the NYSDOS prepared a report entitled *Scenic Areas of Statewide Significance* (SASS). This report identified and designated areas as Scenic Areas of Statewide Significance thereby providing them with additional protection to achieve a balance between economic development and preservation. The Hudson Highlands is a SASS, a 20-mile stretch of the Hudson River and its shoreline located between Denning's Point and the southern end of Bear Mountain State Park.

The Dutchess Junction Subunit of the SASS runs from the northern shoreline of Denning's Point to the railroad tracks and then along the tracks adjacent to the Fishkill Creek and includes Denning's State Park. This subunit was included in the SASS because of its high scenic quality which features a variety of landscape components including rolling wooded upland, a low wooded point, the Fishkill Creek and its confluence with the Hudson River and a mix of vegetative cover. The area is visible from surrounding subunits on both shores of the Hudson River. It is recognized as part of the northern gateway to the Hudson Highlands.



Figure 7 - Proposed development at Long Dock Beacon showing proposed construction and park improvements. Source: Long Dock Beacon 2005.

Long Dock Beacon

The Long Dock peninsula extends into the Hudson River and offers wide views of the river to the north and south and also west across the river to the City of Newburgh's waterfront. Views to the immediate north of the Long Dock peninsula include Beacon Harbor and the City of Beacon's Riverfront Park in the foreground and the Newburgh-Beacon Bridge that spans the river in the background. Views to the south are dominated by a small bay, locally known as Biscuit Bay, and Denning's Point. Beyond Denning's Point, there are views of the Hudson Highlands, Fishkill Ridge and Storm King Mountain.

Beacon Riverside Trail

The Beacon Riverside Trail offers opportunities to view the shoreline of the Hudson River and also provides spectacular views of the Hudson Highlands and Mount Beacon.

Riverfront Park

The park offers panoramic views of the Hudson River, Beacon Harbor, Hudson Highlands and Long Dock peninsula to the south, the Newburgh-Beacon Bridge to the north, the City of Newburgh's waterfront across the Hudson River to the west, and the Beacon Station and Mount Beacon to the east.

Madam Brett Park

There is an elevated boardwalk adjacent to Beacon Terminal, overlooking Fishkill Creek. There is also a hiking trail that runs along Fishkill Creek that offers views of Fishkill Creek and Tioranda Falls. From the Tioranda Bridge, one can look up and down Fishkill Creek.

2.1.5. Historic and Cultural Resources

National Register of Historical Places

Currently there are four structures on the National Register of Historic Places located within the City of Beacon's HMA: National Biscuit Company Carton Making and Printing Plant (The Biscuit); Tioronda Bridge; Eustatia; and the Reformed Dutch Church of Fishkill Landing. Two of the structures, The Biscuit and Tioronda Bridge, are integral elements of the HMA:

- **The Biscuit** - The building known by locals as "The Biscuit", which is the former Nabisco Box Printing Plant, located within walking distance of Beacon Harbor and Beacon Station, was built in 1929 and is a steel, concrete and glass structure encompassing 293,000 square feet. It is considered to be a superb example of early twentieth century industrial architecture and the only one of its kind in the City. It is surrounded by 34 acres of land overlooking the Hudson River. The Biscuit is the current home of Dia:Beacon, a world renowned art museum focusing on modern art. Dia:Beacon opened in May of 2003 with a projected visitation of 50-60,000 people per year but by the end of December of that year it had received 110,000 visitors. According to Dia, in 2004 the museum had 126,082 visitors and there were 77,803 visitors in 2005. Metro-North has shown a dramatic increase in ridership to the Beacon Station since Dia:Beacon opened.
- **Tioronda Bridge** - Located on South Avenue, the bridge crosses the Fishkill Creek and was constructed by the Ohio Bridge Company. Dating back to the Civil War era, the bridge was one of only two remaining Bowstring Truss Bridges left in the United States. On December 12, 2006 the bridge began to be disassembled and the truss portions of the bridge will be stored until such time that they can be "restored" and eventually returned as ornamental pieces when the new bridge is built.

Although not listed on the National Register of Historical Places, the following sites can be considered as significant local historic landmarks:

- **Red Barn** - Located on the Long Dock peninsula the Red Barn dates back to the mid to late 1800's and is owned by Scenic Hudson. It has been rehabilitated by Scenic Hudson and retains its historic appearance and character.
- **Beacon Sloop Club Building** - Located along Red Flynn Drive on the parcel of land bordering the harbor, this building was originally the ferry terminal diner and was taken over by the Sloop Club in the mid-1970s. The Sloop Club has since renovated and made a number of changes to the

building, including two enlargements and the addition of a composting toilet. Some of these renovations are of local cultural significance, such as the stone fireplace which was built from stones taken from the stone groin that extends into the harbor and a three-dimensional mural built on the west wall of the building which is composed of ceramic figurines made by Sloop Club members including folk singer Pete Seeger. A sister mural was created by Club members in the Beacon Library. The Sloop Club holds their monthly meetings in the building and the Farmers Market uses the building and Club equipment. The Club holds four to five festivals on the waterfront each year drawing a total of approximately 4,000 visitors.

- Denning's Point - This approximately 66 acre peninsula was originally acquired by Beverly Robinson and in 1785 was purchased by William Denning, the property's namesake. In 1925, the Denning's Point Brick Works began manufacturing bricks using large deposits of clay located on the site. The Noesting Pin Ticket Company later acquired the property and built a factory for the manufacture of paper clips and other wire products. Manufacturing continued until the land was purchased by the NYSOPRHP in 1988. Recent historical research done by The Beacon Institute has authenticated that Alexander Hamilton lived on Denning's Point, formulating and writing his seminal economic ideas while there.

Cultural Resources

Two of the most significant cultural resources that reflect the City of Beacon's Hudson River maritime heritage are replicas of historic Hudson River sailing ships:

- **Woody Guthrie**
The Woody Guthrie (Woody) is owned and operated by the Beacon Sloop Club. It is a 32 foot long wooden replica of a gaff-rigged Hudson River ferry sloop and has a draft of three feet. Hudson River ferry sloops were styled after Dutch designs and plied the Hudson River throughout the 18th and 19th centuries. The Woody was built as an educational tool to promote the beauty and wonder of the Hudson River and was launched in 1978. The Beacon Sloop Club takes 1,200 people on free sails on the river each year, and holds sailing classes in its clubhouse and on the Woody.
- **Clearwater**
Clearwater is a 106-foot wooden sailing sloop designed after 18th and 19th century Dutch sailing sloops, with a draft of eight feet. It is owned and operated by Hudson River Sloop Clearwater, Inc. which conducts environmental education, advocacy programs and celebrations of the Hudson River maritime heritage. The vessel is the centerpiece of Hudson River Sloop Clearwater's public education programs. Launched in 1969, the Clearwater serves as a moveable classroom, laboratory, stage, and forum. More than a dozen national and international programs have been successfully modeled after those pioneered by Hudson River Sloop Clearwater.

2.2. Surface Water Uses – General Overview

There is a wide range of surface water uses in the HMA, particularly in the Beacon Harbor area (Figure 8). Currently, there is boat launching at the City’s public boat ramp, a ferry service, a boat mooring area, recreational boating, dockage, and fishing. A number of additional surface water uses have been proposed or suggested including docking and boating associated with Long Dock Beacon, sailing schools, The Beacon Institute’s research vessels, excursion boats, and the proposed Hudson River Fisheries Trust barge.

2.2.1. Existing Launching, Docking and Mooring Usage

The waters of the City of Beacon’s HMA contain several docks and boat launching facilities. These facilities and future projects are described below. The NYS Office of General Services will be contacted before the implementation of any of the proposed projects involving the placement of structures above or on the bed of the Hudson River.

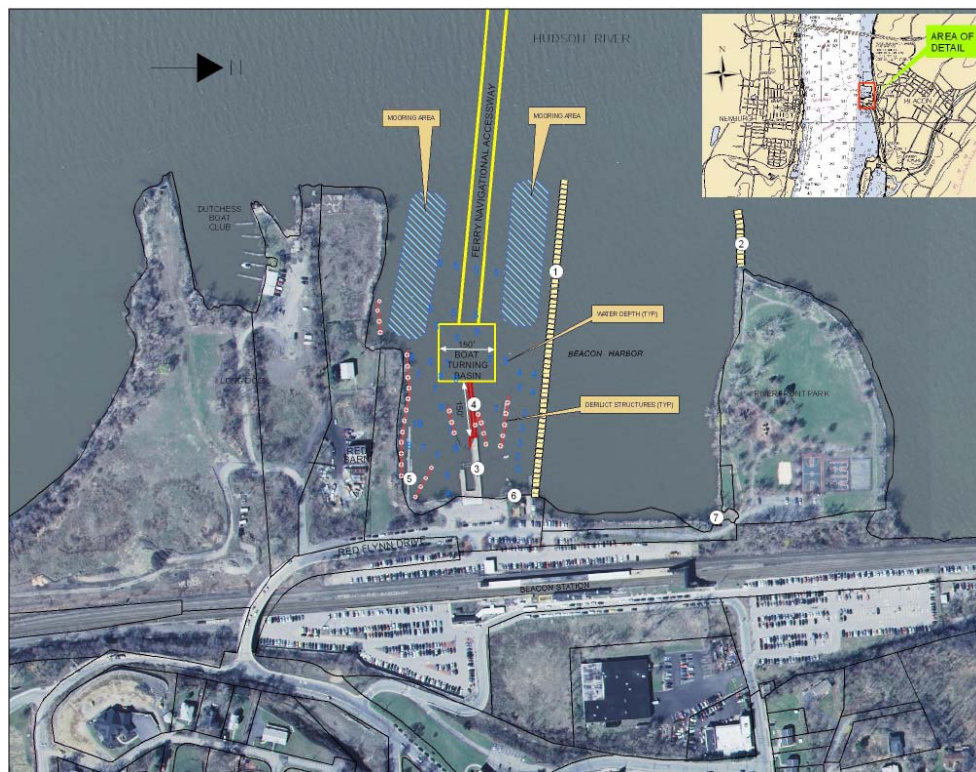


Figure 8 – Beacon Harbor Area Existing Surface Water Uses and Structures

Newburgh-Beacon Ferry Pier

Historically, there was a ferry terminal and pier in Beacon Harbor for the Newburgh-Beacon ferry; these facilities fell into disrepair when ferry service was ended in the 1960s as a consequence of the opening of the Newburgh-Beacon Bridge. The terminal building was removed but the in-water support structures were left in place.

As part of the effort to re-establish ferry service to reduce automobile congestion at the Beacon railroad station and to promote economic development, the City in 2004 constructed a new pile-supported pier that is 48 feet long and 17 feet wide. To this was later added two 50 foot by 12 foot steel floats, supported by four steel piles, that are joined to the pier by a gangway approximately 48 feet long and six feet wide that allows for embarking and disembarking from the ferry. The dock is owned by the City and can be used by any boat; however, when the ferry is operating, it has preferential access. The ferry operates as long as the river is not iced over, and there are six ferry trips in the morning and eight in the evening (Monday–Friday only).

Boat Ramps

Currently, the only public boat ramp within the harbor is located along the north side of the Beacon Sloop Club building on Red Flynn Drive. The ramp was built with the help of the Beacon Sloop Club members, and currently needs to be repaired or rebuilt. The ramp is approximately 50 feet long by 12 feet wide with an access dock on the south side of the ramp. It can accommodate one vehicle and trailer at a time. The traffic pattern makes access and maneuvering to and from the ramp difficult. During the week, parking is limited to three cars with trailers, although on weekends when there are no commuters, Metro-North allows vehicles with trailers to use its parking lot. Also, the water channel to the ramp is full of debris and rocks and needs to be cleaned.

Docks

There are several floating docks in Beacon Harbor. Along the City property on the Long Dock peninsula, there is a four foot wide by 200 foot long floating dock that is used to tie up small boats and to store dinghies. It is accessed via a ramp from the City property south of the ferry pier. There is a four foot wide by 20 foot long floating dock alongside the stone groin that is used to tie up the *Woody Guthrie*; it is not accessible from land. This dock is served by an underwater electrical cable extending from the Beacon Sloop Club that provides power to charge the electric batteries on the *Woody Guthrie*. The underwater cable needs maintenance. Also, in the future, the electrical cable may be modified to use a solar charging system. There is a four foot wide by 100 foot long floating dock extending from directly behind the Beacon Sloop Club used primarily for dinghies supporting the boats in the mooring field and supporting the *Woody Guthrie*. There is a floating dock that extends along the north side of the launching ramp that is for boats using the launching ramp.

Mooring and Anchorage Areas

There are no Federal, or State, designated or recognized, mooring areas within the City's HMA. There is, however, an area used for moorings located along the outer edges of Beacon Harbor that accommodates approximately 30 private moorings. Also, there are two areas within the harbor that accommodate approximately 11 moorings: five are located along the northern shoreline of Long Dock peninsula and six are located along the south side of the harbor's stone groin. All of the moorings are managed by and available to members of the Beacon Sloop Club. Refer to [Figure 8 – Beacon Harbor Area Existing Surface Water Uses and Structures](#).

2.2.2. Proposed Surface Water Uses and Facilities

Beacon Sloop Club

The Beacon Sloop Club, a 501(c) (3) non-profit educational organization, was formed in 1969 and its mission is to protect, preserve and celebrate the environs of the Hudson River through education, advocacy, and sailing throughout the Mid-Hudson Valley. The Sloop Club has about 300 members of which 200 actively use the boating facilities. The mooring area and the boat ramp next to the Sloop Club building are owned by the City of Beacon and managed by the Beacon Sloop Club.

The Beacon Sloop Club has suggested the improvements listed in Table 1 below be made to the City's existing dock system.

Table 1 - Beacon Sloop Club Vessel and Desired Docking Facilities

Vessel Type	# of Vessels	Size of Vessel	Dock Type
dinghies for mooring -hoist/dinghy haul & launch	40	10 feet	floating hoist and racks
Woody Guthrie -land area for big boat repair	1	31 feet	floating
auxiliary	1	24 feet	staging/ no shore connection
work barge/moorings	1	24 X 12 feet	staging/no shore connection

Dutchess Boat Club

The Dutchess Boat Club is a private organization that operates a marina facility at the end of Long Dock peninsula in the small harbor area. It currently operates the facility under a month to month lease with Scenic Hudson, the owner of the property. As of December 2005, there were 70 members registered to utilize its facilities which consist of a concrete boat launching ramp, five floating docks that accommodate 12 boats, and a building in which meetings are held. There is no seasonal docking and transient overnight stays; members are permitted to overnight on a short-term basis with permission from the Boat Club. Boats using the facility range in size from 14 to 32 feet in length. One of the benefits of membership is that trailer parking, unlike at the City launching ramp, is always available.

Scenic Hudson has indicated that at some point in time it will not renew the Dutchess Boat Club lease and will reconfigure the club area into the Quiet Harbor that will be used by non-petroleum powered recreational boats such as canoes, kayaks, windsurfers, paddle boats, and electric motor craft.

Beacon Institute for Rivers and Estuaries Research Vessel Pier

The Beacon Institute currently uses the existing floating dock along the City property for its 35 foot vessel but future research vessels will require a much larger dock. The Beacon Institute is proposing to construct a pier in Beacon Harbor to accommodate its research vessels. When the City was selected as the site for The Beacon Institute for Rivers and Estuaries, it was anticipated that the pier would be constructed in the harbor for The Beacon Institute's vessel use and enhanced public access and activities. It is not feasible to construct a pier at Denning's Point because it is adjacent to the Fishkill Creek Significant Coastal Fish and Wildlife Habitat; Denning's Point is within SASS; a pier would not

currently be compatible with NYSOPRHP's management planning for Denning's Point and the surrounding waters are too shallow and exposed.

The pier should also provide docking for other large vessels including the Clearwater and the Woody Guthrie. The Beacon Institute will require shore side support facilities for loading and off-loading the vessels and storing equipment. As provided by the Beacon Institute, Table 2 lists the vessel and docking requirements for The Beacon Institute's North Campus. It is unlikely that these vessels will be all in the Harbor at once; rather, they will most likely come and go, tending sensor platforms and other research activities on the River.

Table 2 - The Beacon Institute Vessel and Docking Requirements

Function	Vessel	# of Vessels	Size of Vessels	Dock Type
Scientific research	Beacon Institute research vessels	potentially 7	Varies: 25-45 feet	fixed pier w/utilities or floating dock

Several potential locations for the pier have been considered along Riverfront Park: extending from the City-owned property south of the ferry pier, extending from the City-owned property on the north side of Long Dock peninsula, the western end of Long Dock Beacon, and a wharf along the city-owned property north of Long Dock.

Hudson Fisheries Trust Barge and Docks

The Hudson Fisheries Trust (Trust) is a not-for-profit organization committed to preserving and teaching the skills, traditions and history of the Hudson River commercial fisheries and working on the Hudson River. The Trust supports sailing and small boat building educational programs and is planning to construct a museum to reconnect community members with the rich history and lore of the working Hudson River. It will be built as a barge that will be reminiscent of the covered railroad barges used in the 1800s that connected waterfront rail terminals with other ports and at one point in time handled 63 percent of the rail freight that traveled in New York waters. These barges were used by the commercial fishermen of the Hudson as their essential staging areas during fishing times; with sleeping quarters, kitchen for the on-board cook, dining areas, and repair shops for the boats and nets. The museum will serve as a living museum and contain a series of learning stations with interactive exhibits, hands on demonstrations, and living and working quarters. The below deck area will utilize the newest technologies to create a modern exhibition gallery with adjacent theater/meeting room and a conference/classroom.

The proposed barge will be 40 feet wide by 120 feet long and draw approximately three feet of water. As described in Table 3, the barge will require sewer and utilities connections for year round service, a dock based, three ton boom and hoist and attached floating gangway to allow easy access to the barge. There will also have to be a passenger drop-off and waiting area on the shore. The barge could be partially surrounded by floating docks to support the boat building and sailing school vessels. With Beacon as its home port, ideally the barge could travel to other communities along the Hudson, mooring long enough to provide educational programs and historic information to the public. The Fisheries Trust

Museum Barge is included in this Harbor Management Plan as a “placeholder” and potential future harbor user. It is unclear how soon the Museum Barge will come to fruition.

Boat Building Workshop at the Red Barn

Scenic Hudson is the owner of the Red Barn. This structure has a gross floor area of 4,000 square feet and is located approximately 200 feet from the southern shoreline of Beacon Harbor. Because of building code issues, the building will be a single purpose building and will most likely be the location of a traditional wood boat building project with a special focus on the youth of the City of Beacon. A proposed fixed pier with a gantry will enable the project to launch and retrieve boats from this site.

Long Dock Beacon

The partners developing Long Dock Beacon have applied for a permit to construct a seasonal floating dock accessible from the western edge of the Public Plaza. The dock will be accessible via a gangway from the plaza and will have suitable depths to be visited by tour boats, large recreational boats, the *Clearwater* and other vessels.

Table 3 - Summary of Infrastructure Requirements for Proposed Uses

Facility	Requirements
Trust barge	<ul style="list-style-type: none"> - requires sewer and utilities connection for year round use - 3 ton boom and hoist on dock - attached floating gangway - easy access to public meeting and classrooms on barge - floating docks surrounding the barge to support sailing - school and boat building vessels - shoreside visitor access (drop-off, waiting area) - sailing and rowing school - floating dock for chase boats and staging dock launch - staging dock (will sail to and from dock –no power) on shore 2 ton hoist with access to land storage for sail and rowboats
Public Boat Ramp	<ul style="list-style-type: none"> - adequate to haul the Woody Guthrie sloop - floating dock next to ramp
Harborfront Building	<ul style="list-style-type: none"> - to support the surface water uses and to provide a land based focus for the waterfront
Red Barn and Boat Building	<ul style="list-style-type: none"> - work docks for boat building - crane/forklift pad - onshore with access to winter dock storage area - 10 ton truck crane - 3 ton fork lift
The Beacon Institute	<ul style="list-style-type: none"> - meet requirements to service research vessels listed in Table 2 - truck access to bring equipment to the vessels
Excursion Boats	<ul style="list-style-type: none"> - shared use dock to allow safe passenger loading and unloading
Sloop Club	<ul style="list-style-type: none"> - dinghy docks, hoist and land storage racks used for dinghies to access boats at mooring areas

Long Dock Beacon will include the redevelopment of the existing Dutchess Boat Club marina area into a Quiet Harbor. Floating docks will be provided in the same location as the existing docks and the existing boat ramp will continue to be utilized. The eastern end of the Boat Club facility will be cleaned-up and transformed into a useable beach area, which will be utilized for the launching and landing of kayaks, canoes and other small non-motorized boats. On shore, an approximately 3,000 square foot boat storage building will be constructed for the storage of small boats and non-motorized watercraft.

Proposed Harborfront Building

A building in the harborfront would support the surface water uses and provide a land-based focus for the waterfront, while incorporating green building design elements. The harborfront building could provide: a shelter/waiting area; restrooms; an office for a harbormaster; meeting space; and classrooms, storage and support facilities for The Beacon Institute. The facility would also have a small parking area for use by The Beacon Institute personnel and the harbormaster during weekdays when parking is limited in the waterfront area.

2.2.3. Vessel Pumpout Facilities

Pumpout facilities enable boaters to empty the sanitary waste from their boat's holding tanks. There are at least 35 pumpout facilities on the Hudson River and 39 facilities capable of servicing portable toilets. There are no pumpout facilities presently located in the City of Beacon's HMA, and it is recommended that a pumpout facility be installed.

2.2.4. Navigation

Channels

There is a Federal Navigation Channel running up the Hudson River between Manhattan and Albany which varies in width from 400 to 600 feet and is maintained by periodically dredging to its authorized depth of 32 feet. The Federal Channel is located approximately 2,700 feet west of Long Dock peninsula. There are no designated navigational channels connecting Beacon Harbor to the Federal Channel.

There is an informal accessway for the Newburgh-Beacon ferry service between the ferry dock and the deep water of the Hudson River and a 150 foot square turning area at the end of the dock so that the ferry can turn around.

Hazards

- **Derelict Structures**

There are several areas within the harbor that have deteriorating bulkheads and pilings, many of which are associated with the old Newburgh-Beacon ferry dock. These structures present a hazard to navigation because they are not marked and many are covered by water during high tide. The derelict structures will constrain future uses of the harbor unless they can be removed; removal may be difficult if it is determined that they provide fish habitat.

There is also a low, unmarked stone groin running from east to west in the middle of the harbor that becomes submerged during high tide.

- **Water Depth**

Water depths within the harbor north of the stone groin are generally less than two feet deep during low tide and the area is not considered navigable. Water depths south of the stone groin at low tide vary from between three feet (along the southern edge of the stone groin) and eight feet deep (near the ferry dock).



View looking down the north side of the new Newburgh-Beacon Ferry Pier at derelict pilings from the old ferry terminal. During low tide, all of these structures are visible; however during high tide, most of these structures are underwater creating an extremely dangerous navigation issue.

The water depth at the City's boat ramp is approximately two feet at low tide, allowing only small vessels to be launched at low tide. The average depth throughout the rest of the harbor is between three and nine feet. At the western edge of Long Dock peninsula, where a fixed pier has been proposed, a depth of six feet (required for larger vessels) occurs less than 25 feet from the shoreline.

- **Shoaling**

In Beacon Harbor, water depths are shallow due to shoaling on the north side of the stone groin and north of the Sloop Club building. The shoaling is probably a result of sediment being transported into the harbor from the Hudson River and from sediments carried by stormwater entering the harbor through the outfall pipe located in the northern corner of the harbor. Before the shoaling can be dredged, a sediment grain size and contaminant analysis of the sediment will need to be undertaken. A means to dispose of the dredge spoil will be needed if it is determined that the sediment can be dredged.

It was reported that 20 years ago, a canal was proposed to be constructed between Beacon Harbor and waters to the north of Riverfront Park in order to increase flushing and thereby reduce sedimentation.

However, prior to any such project being undertaken, a study of sediment transport in and around the harbor should be conducted.

- **Public Safety**

The Beacon Sloop Club has a volunteer harbormaster that oversees the various structures the Sloop Club manages as well as the mooring area. There is no municipal public safety presence on the harbor; the Beacon Fire Department's Station No. 2 is the closest to the harbor, approximately a half mile away, and houses two fire trucks, a heavy rescue truck, an inflatable zodiac boat on a trailer, and cold water survival suits.

2.2.5. Recreation

Fishing

Presently, land based fishing occurs on the western shore of Riverfront Park, the shoreline of Long Dock peninsula, the western shoreline of Denning's State Park, the concrete platform on the Beacon Riverside Trail and at scattered areas along the Fishkill Creek, including the Tioronda Bridge. Fishing is also done from small boats in the shallow waters along the shore. The abundance of water chestnuts (*Trapa natans*) often makes fishing difficult by limiting boat access and preventing fishing gear from entering the water. Fishing activity is greatest in late spring when striped bass (*Morone saxatilis*) are running. Other species caught within the HMA include: blue gill (*Lepomis macrochirus*), common carp (*Cyprinus carpio*), brown bullhead (*Ameriurus nebulosus*), blue crab (*Callinectes sapidus*), white perch (*Morone americana*) and bluefish (*Pomatomus saltatrix*).

Swimming

Swimming can take place at either public bathing beaches or at "informal" locations. The difference between the two is that a public bathing beach must meet various public health requirements, such as the presence of bathrooms, lifeguards, and water quality standards, most notably microbiological parameters, while an informal area does not. Historically, there had been a bathing beach located on the western shore of Denning's Point but presently, there are no public bathing beaches within the HMA.

Pursuant to the 1998 Hudson River Estuary Action Plan, the NYSDEC conducted an investigation of potential bathing beaches in the Hudson River. A report was issued describing its findings entitled *Swimming in the Hudson River Estuary – Feasibility Report on Potential Sites* (Hudson River Estuary Program, 2005) which included an analysis of Denning's Point. Although it met many of the NYSDEC's site criteria for establishing a bathing beach (beach conditions, accessibility, hydraulic conditions, water quality, and construction and operation), the area was deemed not to be suitable because the outfall of the Beacon wastewater treatment plant was within 750 feet (the minimum distance required between a bathing beach and wastewater outfall pipe). The report also concluded that the beachfront conditions (quality of sand/beach material, slope at the water front, length of beach available and availability of an area backing the beach) were barely acceptable.



Sloop

River Pool at Beacon

River Pool at Beacon, Inc. is a community group that is proposing to build a partially submerged pool in the Hudson River (“River Pool”) off the north shore of Riverfront Park. The goals and objectives of River Pool at Beacon are to:

- provide inexpensive public access to the Hudson River;
- educate the general public about the importance of preserving and cleaning the Hudson River
- promote swimming as a fun, healthful fitness activity in a natural environment; and
- demonstrate to other communities the viability of floating pools by building a successful prototype.

The river pool will have sides and a bottom that will be made of protective netting that is open to river water. It will be accessed from the shore by ramps. The first phase of the River Pool at Beacon is a 20 foot diameter prototype wading pool that was deployed in 2007 and used to test the materials for the pool bottom. The river pool will be used from the end of May to the end of September and will be taken out of the water for the winter. If the prototype proves effective, a larger and deeper pool is planned for Phase 2 of this project. It should be noted that any required dredging in the harbor has the potential to affect use of the river pool, and should be carefully coordinated with the river pool’s seasonal schedule.

Kayaks and Small Boats

The City launching ramp provides water access for small boats including kayaks, canoes, car tops, and small power boats. Hudson Valley Pack and Paddle, located at 45 Beekman Street in the HMA, uses the ramp to launch kayaks for its rentals and tours.

Long Dock Beacon’s future plans include a Quiet Harbor, to be located at the current site of the Dutchess Boat Club, for non-petroleum powered boats and other recreational river-oriented activities. The eastern end of the existing marina will be cleaned up and transformed into a useable beach area, which will be utilized for the launching and landing of kayaks, canoes and other small non- motorized

boats. Also, there will be a building which will serve as the base for an operator to rent kayaks and canoes and to lead outings. This building will also provide rental storage for local owners of canoes and kayaks. There will also be a day-use launch at the southern end of the eastern parking area for people who carry their craft on top of their cars. Launching at Denning's Point is restricted to hand launching only and is designated for day use only.

There are two designated access points of the Hudson River Water Trail within the HMA, the City's public launching ramp and the western shore of Denning's Point.

2.2.6. Wastewater Disposal

Sanitary

The City of Beacon wastewater treatment plant is located on Dennings Avenue. The facility is a secondary, activated sludge treatment plant which serves all of the City of Beacon and a portion of the Town of Fishkill. Its effluent is discharged into the Hudson River north of Denning's Point, approximately 600 feet from shore. The City reports that the plant is currently operating at 3.5 to 3.7 million gallons per day (MGD), which is approximately 60 percent of its capacity of six MGD. While the City does not have combined sewer overflows, due to infiltration during heavy rainfall events, the daily flow can increase to as high as 11 MGD which results in sewer overflow.

The Beacon Harbor area is not connected to the wastewater treatment plant; any future development will require sewer lines being extended to the harbor area. Although the wastewater treatment plant has adequate capacity to meet future development, the problem of infiltration will need to be addressed so that capacity is not further exceeded during storm events.

Stormwater

The City of Beacon is a regulated Municipal Separate Storm Sewer System (MS4) under the Phase II Storm Water Management Program. Pursuant to New York's Phase II requirements, the City submitted its Notice of Intent (NOI) in 2003 which describes the various measures the City will implement (in each of the six mandatory control measures) to address stormwater discharges. In conformance with its NOI, the City has undertaken a wide range of actions to minimize the impacts of stormwater. The City has appointed an overseer of the project, assessed existing conditions of City-owned properties in the regulated area, reviewed existing ordinances and has begun developing amendments/modifications to its ordinances to provide for additional protection under the MS4 criteria mandate by the NYSDEC. In addition, an assessment of City's waste management and municipal vehicle washing programs has been conducted.

Future development will need to conform to the NYSDEC's General Permit for Construction Activity (GP-02-01). This means that operators of construction activities that involve one acre or more of land disturbance will need to file a Notice of Intent and prepare a Stormwater Management Pollution Prevention Management Plan (SWMPMP). In addition, the City, through its site plan review and approval process, can limit the quantity and improve the quality of stormwater.

2.2.7. Public Water Supply

Potable water is supplied in the HMA by the City of Beacon which serves approximately 19,000 people and has 4,013 active metered connections. Water is obtained from three surface water sources - the Cargill, Mt. Beacon and Melzingah reservoirs - and three groundwater wells. All of these sources are blended in various combinations depending on the source, conditions and demand for water; the blended water is treated at the water filtration facility at 470 Liberty Street. The current capacity of the filtration plant is four million gallons per day but the average daily demand is only 2,223,674 gallons. There is a ten inch water main entering the harbor area along Red Flynn Drive which has sufficient capacity to supply potable water for future development in the harbor area.

2.3. Underwater Lands and Uses

Pattern of Underwater Land Ownership

Scenic Hudson owns approximately 64.7 acres of underwater lands in the vicinity of Long Dock peninsula. These underwater lands are in the jurisdiction of the Town of Fishkill. According to a survey provided by The Scenic Hudson Land Trust, Inc., The City owns underwater lands in a portion of the harbor pursuant to a “Beneficial Enjoyment” grant provided by the State in 1812 and all other underwater lands are owned by the State of New York.

Underwater Land Grants, Leases, and Easements

According to the records of the New York Office of General Services, the only recorded easement in the HMA is to Central Hudson Gas and Electric Corporation, issued on June 21, 1954 (Alan C. Bauder, NY Office of General Services, personal communication, November 15, 2005). The easement extends from the City of Beacon to the City of Newburgh and is located approximately 900 feet south of the Newburgh- Beacon Bridge.

There was a transfer of jurisdiction of underwater lands to the New York State Department of Public Works (now New York State Department of Transportation) that was issued on January 27, 1961. The transfer was associated with construction of the Newburgh-Beacon Bridge and runs beneath the bridge.

Underwater Cables and Pipelines

Currently, Central Hudson Gas and Electric Corporation operates and maintains two natural gas pipelines that cross the Hudson River within the HMA (written communication with Central Hudson Gas and Electric Corporation, October 25, 2005). The two lines leave the Newburgh shoreline almost directly east of the intersection of William and Water Street and arrive at the Beacon shoreline just south of the Dutchess Boat Club. The two gas mains are 4-inch and 8-inch nominal diameter steel. The 4-inch line was built in 1925 and the 8-inch line was built in 1929. The 4-inch line is north of the 8-inch line. Both mains were laid directly onto the bottom of the river. Central Hudson will not allow any dredging, boring, or pile driving within a 100 foot buffer zone on both sides of the pipes. The pipelines do not appear to have received easements.

There are two retired and abandoned in place electric cables running from Newburgh to Beacon designated NB-1 and NB-2. These were installed in 1913 and 1921, respectively, and retired between 1964 and 1966. Central Hudson indicates that neither is oil-filled.

There is a cable owned by AT&T that runs across the Hudson River within the HMA. It does not appear that the cable received easements.

2.4. Environmental Conditions and Resources

2.4.1. Topography/Bathymetry/Sediments

Topography

The City is located on the lowlands at the northern edge of the Hudson Highlands. To the south and east of the City are Breakneck Ridge, South Beacon, and North Beacon mountains which are all part of the Hudson Highlands. The topography of Beacon's HMA varies widely from the flat terrain along the Hudson River to the steep slopes of the Hudson Highlands.

The area west of the railroad tracks is relatively level and therefore development in this area is not limited by topography. However, most of the HMA east of the railroad tracks consists of steeply sloped wooded hillsides. These slopes, which occur along the waterfront from I-84 to Fishkill Creek, vary in steepness from 15 percent to over 25 percent and consist of highly erodible soils. Steep slopes also occur along Fishkill Creek. Therefore, future development in these areas will require proper building techniques (i.e., retaining walls) that will minimize soil erosion and prevent sediment from entering the Hudson River and Fishkill Creek.

Bathymetry

The Hudson River Benthic Mapping Project, funded by the NYSDEC, conducted a bathymetric survey of the Newburgh Bay region which included some of the underwater lands in the HMA. The remnants of a cable crossing and numerous dump sites are clearly imaged in the data. The project found that the bathymetry of this area of the Hudson River has been extensively influenced by human activities including the construction of the Newburgh-Beacon Bridge.

There is limited bathymetric data available for Beacon Harbor. A survey of the area south of the stone groin was undertaken by Metro-North as part of the planning for the Newburgh-Beacon ferry service. Water depths are greatest extending out from the ferry dock towards the Hudson River and range from five to nine feet. Water depths increase fairly quickly outside the harbor as it approaches the main channel in the Hudson River. Several advisory committee members reported that water depths in Beacon Harbor south of the stone groin had been fairly deep and that it shoaled after the ferry service ended in the early 1960s. This suggests that vessel movement was responsible for preventing sediment deposition or scouring out sediments. The area north of the stone groin has not been surveyed but is very shallow and mud flats are exposed at low tide. A bathymetric survey, at least of the southern portion of the harbor, will need to be undertaken if dredging is contemplated and to aid in the siting of docks and piers.

Sediments

There is no recent data on either sediment grain size or the environmental quality of sediments in Beacon Harbor. Sediments may have some chemical contamination either from sediments that were transported into the harbor from the Hudson River or from prior uses of the harbor and the area surrounding it. An analysis of the sediment size and quality will be required prior to any dredging to help guide selection of dredging methods and disposal protocol.

2.4.2. Flooding and Erosion

Flood Zones and Areas of Flooding

The 100-year flood elevation along the Hudson River in the City is estimated to be eight feet. The flood hazard area (designated A3 according to the Flood Insurance Rate Maps) is a relatively narrow zone along most of the City's riverfront on the west side of the railroad tracks. Portions of the HMA that may be susceptible to flooding are Riverfront Park, Long Dock peninsula, and a very small portion of the waterfront area around Denning's Point.

Erosion Areas and Shoreline Protection

According to George Trakas, *The Beacon Waterfront: A Survey of the Edge* (Minetta Brook, 2000), during periods of high tide and strong southwest winds, wave erosion occurs along the south shore of Long Dock peninsula, particularly where the old railroad staging area was located.

Most of the shoreline surrounding Beacon Harbor and the northern reach of the HMA is protected by stone rip-rap, which limits erosion, retains the bank and helps to prevent erosion from wave action. However, it is unclear whether the rip-rap was installed to prevent erosion or to create a construction limit for projects along the riverfront (i.e., the filling in and creation of Long Dock peninsula and Riverfront Park).

2.4.3. Water Quality

Designations

The NYSDEC under Part 703 Surface Water and Groundwater Quality Standards has assigned a "best use" designation to all of the surface waters of the State. Surface waters in the City's HMA are classified as "B", which means that the best uses for these waters are primary and secondary contact recreation and fishing (swimming included). Class B waters are also suitable for fish propagation and survival.

This surface water classification does not necessarily indicate or reflect existing water quality. Class B waters are expected to meet water quality standards outlined in the above mentioned regulation and these standards are used to determine discharge limitations for various chemical, physical and biological pollutants (such as pH, dissolved oxygen and coliform bacteria). Presently, there is not enough data to determine which of the standards are not being met.

Both the New York Public Health Law 225, Chapter 1 - State Sanitary Code, Subpart 6-2 and the Dutchess County Sanitary Code (Article 6) have strict statutory requirements to assure a sanitary, healthful and safe environment for the public when using bathing beaches. These standards are important for the

River Pool at Beacon. Bathing beaches must meet the following water quality criteria for bacteriological, physical and chemical quality:

- Bacteriological quality. Based on the mean of the logarithms of the results of five or more samples collected in a 30 day period, the upper value for density of bacteria shall be:
 - 2,400 total coliform bacterial per 100/ml; or 200 fecal coliform bacteria per 100/ml; or
 - 33 enterococci per 100/ml for freshwater; or
 - 126 E. Coli per 100/ml for freshwater.
- Chemical quality. The water shall be free of chemical substances capable of creating toxic reactions, skin or membrane irritations to the general public.
- Physical quality-water clarity. In all bathing areas, except the Great Lakes or ocean beaches, it shall be possible to see an eight-inch black and white disk in four feet of water. Clarity tests should be performed at a four foot depth in the bathing area at a minimum of three different locations.

In 2004, a 153-mile segment of the Hudson River beginning at the Troy dam and ending at Battery Park in Manhattan became a “No Discharge Zone”. Thus the City’s HMA is located in a no discharge zone. This designation means that it is illegal to discharge both treated and untreated sanitary waste from boats.

Water Quality Data

Water quality is not routinely tested in the HMA. The water quality at the proposed River Pool at Beacon site was tested during 2003 and 2004. The results indicate that water quality was very good during the summer, even after heavy rains. Based on these water quality data, it appears that the river pool will meet the State’s bathing standards.

Impairments

The discharge of stormwater from the stormwater outfall pipe located in the northern section of the harbor is likely to be causing water quality impairment. It is likely to be a significant contributor to the shoaling in the north part of the harbor and is also likely to be a source of nutrients that enhance the growth of the water chestnuts in the northern end of the harbor.

During heavy rains, there are overflows from the sewer pipes that cause raw sewage to be released into the surface waters. This has been observed along the Fishkill Creek where one of the main sewer pipes runs along the north side of the creek. This release of raw sewage into the Fishkill Creek, together with the wastewater treatment plant’s discharge pipe, are major contributors in preventing designation of the beach located on the western shore of the Denning’s Point as a formal bathing beach.

The invasive water chestnut is extremely abundant within the HMA’s surface waters and large stands of water chestnuts have been found to dramatically deplete dissolved oxygen in the water column resulting in hypoxic (low oxygen) conditions (Institute of Ecosystem Studies, 2005). Hypoxia compromises habitat for many fish and invertebrates and only animals that are very tolerant of low oxygen may be able to live in water chestnut stands. However, shorebirds, such as herons, have been observed perching on water chestnuts to feed. Dense surface mats of water chestnuts also impede

canoeing, kayaking, fishing, swimming and other recreational uses of the surface waters because the surface mats are difficult to penetrate.

There are a number of ways to control water chestnuts but they are typically extremely labor intensive, and there is the risk that they could cause additional spreading. It may also take many years before control becomes effective because of the large seed bank that exists in the sediment. Prior to undertaking any remedial actions, further study is needed to determine the major factors contributing to the extensive water chestnut growth in the HMA and the ecological impacts of control measures.

2.4.4 Habitats

The HMA includes a number of different habitats and supports a diversity of wildlife species. In the HMA there are aquatic and benthic habitats in both the Hudson River and Fishkill Creek, wetlands along the Hudson River and Fishkill Creek as well as in the mouth of Fishkill Creek, and uplands on Denning's Point and along the railroad tracks.

The Hudson River and Fishkill Creek are habitats and nursery grounds for a number of fish and invertebrate species including sturgeon, striped bass and American shad as well as blue claw crabs. Much of the shallow areas have been colonized by the water chestnut, an invasive species, which has altered the natural habitats, although the impacts on aquatic species have not been well studied.

The habitats in the HMA also support a diversity of bird life and many shorebirds forage along the shore and in the water chestnut beds. Both osprey (*Pandion haliaetus*) and bald eagles (*Haliaeetus leucoce*) are state listed threatened species known to occur in the HMA. Denning's Point is an important winter area for bald eagles; as they perch and feed at the southernmost tip of the peninsula.

The only New York State mapped wetland area in the HMA is located in the lower portion of Fishkill Creek. However, there are wetlands within the HMA that are not mapped as designated NYS wetlands. For example, on Long Dock peninsula there are six pockets of wetlands having a combined total surface area of 2.89 acres (Rudikoff, 2005). Three of the wetlands are located near the westerly upland boundary of the Long Dock Beacon site and are subject to tidal influence. A fourth, small common reed marsh wetland is located in the north- central area of the site and appears to be mainly groundwater supplied. The remaining two wetlands are perched shallow depressional wetlands that appear to obtain their water supply solely from precipitation.

The uplands of the HMA are typical of those found throughout the Hudson River Valley. While much of the HMA has been developed, there are mature woodlands of mixed deciduous and coniferous trees. On Denning's Point, the upland includes old-field at the northern end, containing pioneer species and such old-field perennials as ragweed, and a large tract of woodland along the Hudson River that is typical of the woodlands along the Hudson.

Ecologically Sensitive Areas and Special Designations

As described by the New York State Division of Coastal Resources, there is one Significant Coastal Fish & Wildlife Habitat in the HMA, Fishkill Creek, which is described as one of the major freshwater tributaries of the lower Hudson River. The habitat is an approximate one-half mile stream segment, extending from Fishkill Creek's mouth on the Hudson River to the first upstream dam. Most of the habitat is within the

tidal range of the Hudson River, and contains extensive areas of mudflats, emergent marsh, and subtidal beds of aquatic vegetation. The habitat includes an approximately 80 acre shallow bay area located at the creek mouth (west of the railroad tracks), and undeveloped portions of Denning's Point.

The diversity of natural ecological communities, and lack of significant human disturbance in the area, provides favorable habitat conditions for a variety of fish and wildlife species. Habitat quality in the open bay portion may be reduced by expanses of water chestnut. However, several rare plant species, including subulate arrowhead, and kidney leaf mud-plantain, occur in the estuarine portion of Fishkill Creek.

Fishkill Creek is an important spawning area for anadromous fishes, such as alewife, blueback herring, white perch, tomcod, and striped bass. A substantial warm water fish community also occurs in Fishkill Creek throughout the year. Resident species include largemouth bass, bluegill, brown bullhead, and goldfish. Fishkill Creek probably marks the northern extent of blue claw crab (in abundance), and is occasionally used by marine fishes, such as bluefish, anchovy, silversides, and hogchoker. Freshwater inflows from Fishkill Creek play an important role in maintaining the water quality and salinity gradient in the Hudson River estuary.

In addition to its importance as a fisheries resource, Fishkill Creek provides productive feeding habitats for various wildlife species. Locally significant concentrations of herons, waterfowl, furbearers, and turtles, may be found in the area at almost any time of year. Fishkill Creek is reported to be a major crossing point for raptors migrating through the Hudson Valley, along the northern slope of the Hudson Highlands. Concentrations of migratory osprey, which are unusual in the lower Hudson Valley, are found in the area and the area is a focal point for osprey research in the Hudson Valley.

Rare, Threatened, and Endangered Species

Rare plant species including northern estuarine beggar ticks (*Bidens hyperborea*), smooth bur-marigold, and heartleaf plantain (*Plantago cordata*) have been identified on Denning's Point and the Long Dock peninsula.

Bald eagles, State listed as threatened and Federally listed as endangered, feed in the winter off the southern portion of Denning's Point and ospreys, State listed as threatened, have been observed on Fishkill Creek during the spring migration.

Section 3 - Harbor Management Issues

3.1. Conflicts and Competition among Users for Surface Waters

A wide variety of uses and facilities have been suggested for Beacon Harbor. Each of these uses and facilities has a set of requirements that must be met in order to make it functional. In addition, the uses, facilities, and requirements must be integrated and be compatible with each other while taking into account the physical and other limitations and constraints of Beacon Harbor. Because of the limited area, shared, joint, and multiple uses and users must be a priority.

Newburgh-Beacon Ferry Dock

This dock is owned by the City but the ferry service has preference. When the ferry is running, the dock must be available and accessible to the ferry and all other surface water users must work around the ferry's timetable. As the harbor begins revitalization, it is imperative that coordination between users be established to avoid conflicts of dock usage.

City-Owned Boat Ramp

The ramp can only accommodate one vehicle and trailer at a time which can create congestion. Another boat ramp issue is that the water depth in front of the ramp is extremely shallow during low tide which limits its usability and restricts the size of boats that can be launched. Also, there is a sharp drop-off at the end of the ramp. The City is planning to make repairs to the ramp to improve its accessibility.

Beacon Sloop Club

Currently, the Beacon Sloop Club manages the City's existing floating dock systems as well as the mooring fields. As the harbor begins to revitalize, there may be a need to relocate and reconfigure these floating docks and mooring areas to accommodate the needs of other users.

Dutchess Boat Club

The Dutchess Boat Club (Club) lease will be terminated to make way for construction of Long Dock Beacon. Scenic Hudson and the Club have been participating in the harbor management planning process to identify places in the HMA for recreational motorboats to dock, including accommodations for the members of the Dutchess Boat Club. In addition, members of the boat club would possibly use of public meeting space of the proposed harborfront building for its meetings and functions.

The Beacon Institute for Rivers and Estuaries Research Vessel Pier

It is not feasible to construct a research vessel dock at Denning's Point where The Beacon Institute's primary scientific and educational facility will be located. Therefore, a pier will need to be located elsewhere along the waterfront. From the inception of The Beacon Institute, it was anticipated that its

research vessels would be docked in the harbor to help revitalize Beacon as a working harbor and to promote economic development. The pier will need to have a water depth of at least 15 feet and be capable of accommodating small trucks carrying research equipment and supplies. The research vessels will also require shore side support facilities for loading and off-loading the research vessels and for equipment storage. The Beacon Institute anticipates that both the dock and the shore-side facility will include a strong public component, increasing the public's access and understanding of the river. The Beacon Institute is committed to collaborating with all the harbor stakeholders and the community to create a revitalized and accessible harbor.

Hudson Fisheries Trust Museum Barge and Docks

The barge will require sewer and utilities connections for year round service, a dock based three ton boom and hoist, and an attached floating gangway to allow access. Due to its requirement for year round access to electric and sewers, the location of the barge must be within an area that can accommodate these utilities. In addition, the barge will require roadside access to the site for loading and unloading equipment. The museum will require parking and a visitor drop-off and pickup area.

Long Dock Beacon

Long Dock Beacon has applied for a permit to construct a plaza with a harborfront walkway and fishing pier along the north side of Long Dock peninsula and a seasonal floating dock accessible from the western end of the peninsula. The dock will be accessible from the plaza and need suitable water depths to be visited by tour boats and large recreational vessels.

The plan for Long Dock peninsula is based on the principle of continuous public access to the shoreline throughout the site and includes approximately 440 feet of public space along the north and west edges of Long Dock peninsula, and a public boardwalk, civic plaza and steps to bring people closer to the river. Therefore any other developments within the harbor area should seek to accommodate this vision, as well as other public components of the project.

3.2. Land Available For Water Dependent Uses

Due to the proximity of the railroad tracks to the Hudson River, there is very little available land that could be developed for water-dependent uses. The only underutilized property is Long Dock peninsula, which is currently being proposed for redevelopment.

City-Owned Property

The City owns the parcel of land located on the south side of the harbor, along the north side of Long Dock Peninsula. The property is a public focal point of the harbor and development must take into account the City's desire to protect its aesthetic quality. The City has offered this property to The Beacon Institute for access to its proposed research vessel pier, as well as a shared-use shore-side facility. In addition to pier access, The Beacon Institute has discussed maintaining and enhancing the public surface water access and creating a more park-like setting. Because of this parcel's proximity to Long Dock Beacon's development, any improvements should be compatible with the vision of that project.

The City also owns the shoreline between Long Dock peninsula and Riverfront Park. Within this harborfront area and located between Long Dock peninsula and the stone groin, is the Beacon Sloop Club building, a parking lot, a boat ramp, access ways leading to the floating docks, and a small promenade leading to the ferry pier. This area would require reconfiguration if any additional water-dependent uses are to be located here. The narrow strip of land between the stone groin and Riverfront Park is too small to consider developing and should remain more natural in appearance.

Long Dock Peninsula

Except for the City-owned property, all of Long Dock peninsula is owned by Scenic Hudson. Scenic Hudson has entered into a development agreement with the intent to lease a portion of the peninsula to Foss Group Beacon for the construction of a sustainably designed and operated mixed-use development which will include a hotel, conference center, restaurants, spa, offices, sundries retail, site amenities and a Quiet Harbor. Both Scenic Hudson and Foss Group Beacon have expressed their desire to continue working with all harbor stakeholders toward the goal that proposed projects in Beacon Harbor be compatible with one another.

3.3. Protection of Scenic Quality

The harbor area offers panoramic views of the surrounding area and its scenic quality is important. Structures should therefore be designed and sited so as to not block or impair these views. Structures should also have the appropriate scale and design and should be sited to maintain the aesthetic qualities of the harbor and harborfront.

The site for The Beacon Institute's research vessel pier, in particular, could have significant visual implications. As the pier is located and designed, scenic views and impacts on surrounding harbor projects should be closely analyzed. The Beacon Institute is committed to collaborating with all of the harbor stakeholders during the next phase of the plan, which will determine the pier's dimensions and details.

3.4. Traffic Circulation and Parking

Perhaps the greatest upland constraint for the harbor is the lack of parking in the waterfront area on weekdays because the existing parking areas are dedicated to Metro- North commuters using the Beacon train station. Along the western side of the railroad tracks there is no room for expanding the parking. There have been discussions about constructing a parking garage on the east side of the station which would enable the parking on the west side to be used for parking for waterfront activities. However, the construction of a garage on the east side is a long-term solution that is still in the discussion stage and currently there is no funding for such a project.

3.5. Public Access and Constraints

Red Flynn Drive is the only roadway running through the waterfront area of the harbor, providing access to both the parking areas along the west side of the railroad tracks and Riverfront Park. Its right-of-way is relatively narrow, there are no opportunities for loading and unloading passengers

from vehicles without blocking travel lanes, and its location makes access and using the boat ramp difficult and inefficient. Long term development plans for the Beacon Train Station by Metro North in conjunction with the City of Beacon call for eliminating parking from this area and re-configuring drop off areas.

3.6. Infrastructure Improvements

Sanitary Wastewater

During the construction of the new Red Flynn Drive overpass, a 4-inch and a 6- inch sanitary sewer force main pipes that terminate at the east side of the overpass were installed. The City's wastewater treatment facility is currently operating at approximately 60 percent capacity and during times of dry weather flow should have adequate capacity to handle redevelopment along the harbor. However, in extreme rainfalls, the sewage pump station and the treatment plant may not have adequate capacity due to a significant amount of stormwater infiltration and inflow. The City is currently evaluating ways to reduce the infiltration and inflow and prior to redevelopment, this issue needs to be addressed.

Stormwater Management

Improvements to the stormwater system that discharges into the northeast corner of the harbor near Riverfront Park should be made to improve water quality. Currently, this system allows untreated stormwater runoff to enter the harbor. Also, this outfall pipe is likely to be a significant contributor to the shoaling in the northern section of the harbor.

Pumpout Facilities

The tidal portion of the Hudson River from New York Harbor to the Troy Dam is classified as a no-discharge zone for vessel waste. Adequate pumpout facilities already exist on the Hudson River and the City is not required to install any additional facilities. However, if boat usage increases in the harbor and in order for the City to be a more attractive destination for boaters, a new pumpout facility may be warranted.

City Owned Boat Ramp

The existing City owned boat ramp is in need of repair. Improvements should be made to increase efficiency, safety, and capacity.

3.7. Water Quality

One area of major water quality concern within the HMA is the stormwater outfall pipe located in the northern section of the harbor. Untreated stormwater is known to convey a wide variety of contaminants into surface waters, such a pathogens, nutrients, organic compounds and inorganic constituents.

Another area of concern is the wastewater from the City's wastewater treatment facility, which during heavy rains allows raw sewage to be released into the surface waters of Fishkill Creek. This release of raw sewage is a major contributor of pathogens to the local surface waters, preventing the beach located on the western shore of Denning's Point from becoming a formal bathing beach. It is also a major contributor to nutrients into the creek that promote the growth of water chestnuts that dominate the mouth of the creek.

3.8. Public Safety

Currently, the Beacon Sloop Club has a volunteer harbormaster who oversees the various structures the Club manages as well as the mooring area. There is no routine public safety presence on the harbor. The Beacon Fire Department's Station No.2, which has two fire trucks, a heavy rescue truck, an inflatable zodiac boat on a trailer, and cold water suits is the closest to the harbor.

As the harbor begins to revitalize and in order to provide a quick response to emergency issues, the need for a more significant public safety presence may be required which could include a full time harbormaster and a fire and safety unit facility located in the waterfront.

3.9. Degraded Habitats and Habitat Protection

Water Chestnuts

Water chestnuts are an annual, aquatic plant considered invasive to the Hudson River. During its growing season, extensive mats dominate the northern portion of the harbor, Biscuit Bay and the mouth of Fishkill Creek.

Due to its dense growth and low food value for wildlife, water chestnuts can potentially have a substantial negative impact on the use of an area by waterfowl and other native species. Also, their dense surface mats likely inhibit the growth of indigenous plant species. Decomposition of the abundant detritus produced in the fall as the plant dies could contribute to low oxygen levels in shallow water, thus adversely impacting other aquatic organisms.

3.10. Safe, Adequate Navigation and Water Depths

Channels

There is an informal accessway for the Newburgh-Beacon ferry between the ferry dock and the deep water of the Hudson River and a 150 foot square turning basin at the end of the dock so that the ferry can turn around. To provide safe navigation within the harbor, a formal, buoyed channel should be established.

Mooring and Anchoring Area

Currently, there are several informal mooring and anchoring areas located throughout the harbor which are managed by the Beacon Sloop Club. As the harbor revitalizes and boat traffic increases, some of these mooring areas will interfere with safe navigation in the inner harbor. It will be necessary to move

and reestablish these moorings in an area that will not interfere with boat traffic, which should become a formal, designated mooring area.

Derelict Structures

There are several areas within the harbor that have deteriorating bulkheads and pilings, many of which are associated with the old Newburgh-Beacon ferry dock. These structures present a hazard to navigation because they are not marked and many are covered by water during high tide. The derelict structures also pose obstacles for future uses of the harbor.

There is also a low, unmarked stone groin running from east to west in the middle of the harbor that becomes submerged during high tide creating an additional navigational hazard. The groin should be marked with hazardous structure buoys.

Water Depth

The harbor area located north of the stone groin is less than two feet deep during low tide. The average depth throughout the rest of the harbor at low tide varies from between three feet (along the southern edge of the stone groin) and eight feet (near the ferry dock). The water depth at the City's boat ramp is approximately two feet at low tide allowing only small vessels to be launched from this facility at low tide. At the western edge of Long Dock peninsula where a dock has been proposed, a depth of six feet (required for larger vessels) is within 25 feet of the shoreline.

Many of the proposed water surface uses would require sections of the harbor to be deepened. If the City decides to deepen portions of the harbor, dredging would be required and regulatory requirements for dredging and spoil storage/removal will need to be examined.

3.11. Management and Coordination of Activities in the HMA

Currently in the City of Beacon, management and coordination of direct harbor related activities in the HMA area are undertaken through the efforts of the Beacon Sloop Club which has a volunteer harbormaster who oversees the various structures the Club manages as well as the mooring area. Policy considerations, authority and decision-making concerning the HMA are the ultimate responsibility of the Beacon City Council. The Council has delegated responsibility to various stakeholders including a harbor management planning function to the appointed Conservation Advisory Council and new development review and regulation through municipal staff and Boards. Municipal action to formalize the creation of a structure to permanently provide policy guidance on harbor matters to the Council as well as to manage and coordinate harbor planning, harbor development and harbor management activities is required.

Section 4 - Recommended Surface Water Uses

There are many competing demands for additional uses of the surface waters in Beacon Harbor, which are focused in the southern harbor due to the shallow depths in the northern harbor as described below.

- The Beacon Institute for Rivers and Estuaries wants to construct a pier for its research vessels, and to support public access and their educational mission. This could possibly offer shared berthing facilities for the Clearwater educational vessel and the Woody Guthrie if desired.
- The Hudson Fisheries Trust wants to moor the museum barge it plans to construct along the waterfront and to relocate their Boatbuilding and Small Boat Skills programs (currently on Main Street) to the harbor area.
- The Beacon Sloop Club wishes to enhance its moorings and boating programs. Additional transient moorings are desired by the Sloop Club.
- The City wishes to encourage and support tourism by making the harbor a destination and connecting the harbor to the City.
- The Dutchess Boat Club, which currently operates a launching ramp and docks for small boats and a club house, is seeking a location in which to operate as it must vacate its current site.
- Long Dock Beacon plans to construct a 166 room hotel and conference center for 350 person events on the north side of Long Dock Beacon in the south harbor that would include restaurants, retail space, parking for 370 vehicles, a pedestrian oriented public space (North Boardwalk) along the shoreline of the south harbor, and possibly docking for transient boats.

If some or all of the area north of the stone groin could be dredged, then the demands placed upon the south harbor for surface water uses would be greatly reduced as a fairly large area could be opened up for surface water usage. Dredging may not be feasible as there are a number of logistical and regulatory issues that would need to be overcome, including the quality and quantity of material to be removed (dredging a 300 feet wide by 800 foot long area from the Hudson River to the shoreline to a depth of five feet would generate nearly 45,000 cubic yards of sediment), impacts to benthic habitats and aquatic species, the method of dredging, where to place the dredged material until it is disposed of, and where to dispose of the dredged material. The cost of dredging will also be significant so obtaining the necessary funding would be an issue. For these reasons, dredging of the north harbor is, at best, a potential long term solution to provide additional usable surface water area and to meet the demand for additional uses.

The surface waters in Beacon Harbor have been allocated between various uses, described previously. Each use has its own set of requirements and many of the uses must interact with and be compatible

with other uses. In some cases, one use will preclude another in the same area; for example, a dock cannot be constructed in a vessel accessway.

The limited amount of usable surface water area in Beacon Harbor requires that it be used efficiently. One way that this can be achieved is by shared or multiple uses. For example, the ferry currently only uses the ferry dock on weekdays so the ferry dock could be used by excursion vessels on weekends. Similarly, while parking in the waterfront is largely unavailable on weekdays, it is plentiful on weekends. Shared and multiple uses will require cooperation and coordination amongst the harbor uses to work.

When considering potential surface water uses, the upland adjacent to the surface water must also be taken into account. Many surface water uses require access to the upland or accessory structures on the upland and if the surface water user is different than the property owner, the consent of the upland owner may be required.

4.1. Public Launching Ramp

Consideration was given to constructing a new launching ramp south of the ferry dock/landing to replace the existing ramp. A ramp at this location was recommended in the City's 1991 LWRP and plans for this ramp were prepared; no action was taken as the City improved the ferry dock instead. The benefit of relocating the ramp is that the water depths south of the ferry dock are comparatively deep (greater than five feet) which would eliminate the need for dredging with the possible exception of a small area at the end of the new ramp. A new ramp at this location could improve efficiency, safety, and launching capacity.

However, the relocation of the ramp is not considered viable for the following reasons.

- The existing grades and topography of the upland south of the ferry dock, where the launching ramp staging area and launching ramp would be located, are too steep for boat launching. In order to achieve a slope appropriate for launching and retrieving boats in for a staging area, a significant amount of grading and filling, and possibly the construction of a retaining wall, would be required. In addition, the slope of Red Flynn Drive, which would have to be used to access the ramp, is relatively steep.
- A large area of the ferry landing would have to be removed and converted into a driveway to access the launching ramp.
- A launching ramp would be a new use at this location and would require extensive modification to the shoreline which might pose regulatory issues.
- The use of a launching ramp at this location might increase conflicts between pedestrians accessing the ferry dock for either ferries or excursion boats and vehicles launching and retrieving vessels.
- A launching ramp south of the ferry dock would severely restrict other uses in this part of the harbor as a designated accessway of at least 30 feet in width would be required from the end of the ramp to at least the ferry turning basin. In addition, the dedicated

floating dock that would be required for the temporary tie up of boats being launched and retrieved would occupy additional surface water area.

- There is insufficient area between Red Flynn Drive and the launching ramp for a staging area for the ramp which would create a conflict between vehicles using the ramp and vehicles traveling on Red Flynn Drive.
- A new ramp might attract more users than this limited waterfront area may be able to accommodate, particularly on weekdays when parking is limited.

The existing ramp is a viable ramp that does allow boat launching, although it has several limitations. The principal limitation, the shallow water depths that restricts its use to small boats during times of low water, is being addressed by the improvements proposed by the City. These limitations are not uncommon along the Hudson River and conflicts can be minimized by making potential ramp users aware of the constraints/use parameters. It should be noted that a new ramp capable of handling large boats and with a larger parking area (during peak times, however, there is insufficient parking) has recently been constructed in the City of Newburgh on the opposite side of the Hudson River from the City of Beacon. The City has expressed an interest in conducting further study into the need and cost of ramp improvements.

4.2. Parking

Parking will remain an issue. Currently, there are only three vehicle/trailer parking spaces available during weekdays; vehicle/trailer parking is not limited during weekends. The parking issue will not be resolved until the parking garage that has been suggested for the east side of Beacon Station is constructed.

There are a number of actions that could be undertaken that would greatly improve the functioning of the existing ramp and address the navigational impairments.

- The floating dock for boats accessing the ramp should be replaced with a dock that is more stable, longer, and easier to access from the land.
- The paved area in front of the launching ramp and the curbing should be reconfigured and marked to improve vehicle/trailer access to the ramp and to direct traffic flow and movement.
- The channel leading from the ramp to deep water should be marked with buoys and signage.
- Signage should be placed on the stone groin advising ramp users of its location.
- Obstructions on the bottom and shoals should be removed within channels and points of access.
- If water depths at low tide limit navigation, the use of the ramp should be restricted to those times before and after high water when a vessel is not likely to be damaged; there should be signage to this effect placed at the ramp.

- All of the old pilings and in-water structures should be removed to provide safer navigation and easier access.

4.3. Ferry Accessway and Turning Basin

The Newburgh-Beacon ferry requires unrestricted access to the ferry dock that is sufficiently wide to provide safe navigation, particularly during times of high winds and waves and strong currents. The ferry needs an accessway between the open waters of the Hudson River and the ferry dock. There also needs to be an open area (i.e., turning basin) at the end of the ferry dock so that the ferry can turn around for its return trip to Newburgh.

A 50 foot wide accessway should be designated from the end of the turning basin to deep water in the Hudson River. The orientation of the accessway, if possible, should be angled in a northerly direction in order to create more usable surface water area between it and Long Dock peninsula. The accessway should be buoyed and anchoring and mooring within the accessway should be prohibited.

4.4. Research Vessel Pier: The Beacon Institute for Rivers and Estuaries

Given its size and use, the research vessel pier, wherever it is placed in the harbor, will be a major feature. One of its goals is to augment the educational and public programs planned by The Beacon Institute. The research vessel pier may limit certain other surface water uses. The research vessel pier could also provide opportunities for multiple uses, provided that they do not preclude the reasonable operation of the research vessels. The pier should be designed, constructed, and managed accordingly.

In locating the pier, several factors need to be taken into account.

- Shore access: Small vehicles and forklifts need to be able to access the pier from the shoreline. This means that there needs to be an accessway and ramp leading to the pier, and a loading zone if items need to be transferred from large to smaller vehicles.
- Pier length: The pier length should be as short as possible while accommodating its various uses and users. As pier length increases, so too does the cost of construction (a preliminary engineering estimate is \$3,000 per linear foot for the fixed pier options). Shading of the water column, which is considered to be a significant environmental issue, also increases with pier length. As pier length increases, its use becomes increasingly inconvenient, the risk of accidents increases, and it becomes an increasing risk to navigation. A longer pier, however, may allow for additional public water access and use.
- Ice damage: Ice flows in the Hudson River can cause significant damage to a fixed pier. It should be noted that the stone groin was originally constructed as an ice block to protect the harbor from ice damage. If a fixed pier extends outside the harbor, then the design of the pier will have to be even more robust in anticipation of ice conditions adding greatly to its construction costs. Vessels docked at the pier would also be exposed to these environmental stressors.

A number of sites were considered for the location of the research vessel pier including the south side of Riverfront Park, the west end of Long Dock peninsula, the City owned property between the ferry dock and Long Dock peninsula, the west end of the City owned property adjacent to Long Dock Beacon's northern edge and civic plaza, a wharf along the city-owned property north of Long Dock, and a gangway landing with floating docks.

- Riverfront Park was deemed not to be viable because it is a designated parkland and this would require action by the New York State Legislature to allow the fixed pier to be built. The infrastructure, access road, and operation of the pier would be in conflict with the park setting. In addition, water depths in the north harbor are not adequate for the proposed research vessels which would necessitate significant dredging.
- A pier at the western end of the Long Dock peninsula is a possibility, but the pier would have to be accessed across private property (Scenic Hudson/Foss Group Beacon) and its access and use might conflict with the proposed development on Long Dock Beacon. This location might also place constraints on the research vessel activities. In addition, the pier would be susceptible to ice damage and the environmental forces in the open river. For these reasons, this option might not be viable.
- This Harbor Management Plan is intended to present viable options for the pier location, without finalizing the location. In the subsequent phase of pier development, marine engineers will evaluate the suggested options in depth and the final location will be determined using that information.
- Viable Research Vessel Pier Options

Five research vessel pier options are considered viable, and are further described in the following sections. The figures appear on the pages following the descriptions:

1. **Fixed Pier off City Property on Long Dock Peninsula**
(Option 4.4.1 - [Figures 11A through 11 C](#))
2. **Fixed pier as an extension of the Existing Ferry Dock**
(Option 4.4.2 – [Figure 11D](#))
3. **Fixed Pier off City Property South of Ferry Landing**
(Option 4.4.3 - [Figure 11E](#))
4. **Wharf along the North Shore of Long Dock Peninsula**
(Option 4.4.4 - [Figure 11F](#))
5. **Floating Docks**
(Option 4.4.5 - [Figure 11 G](#))

4.4.1. Fixed Pier off City Property on Long Dock Peninsula (Figures 11 A, B, C)

The City owns a narrow rectangular 60 foot wide by 260 foot deep parcel on the north side of Long Dock Peninsula from which a fixed pier could originate and extend out into Beacon Harbor and potentially the Hudson River. Regardless of the exact orientation and length, there are a number of benefits associated with constructing the fixed pier off the City property.

- Research vessel operations: The navigation of the research vessels would not conflict with the navigation of vessels inside Beacon Harbor.
- Minimize activity in the inner harbor: The fixed pier off the City property would place the additional vessel activity associated with The Beacon Institute into the outer harbor area minimizing the amount of increased activity in the inner harbor, reducing conflicts and allowing other uses.
- Increased potential for enhancing public access to the waterfront: The fixed pier would expand the access to surface water and open area of the harbor to the public.

There are also a number of issues associated with constructing a fixed pier at this location.

- Limiting access from the harbor to the shoreline along Long Dock peninsula: The fixed pier could significantly limit or constrain water access to and from the north side of Long Dock Beacon, depending upon its location relative to the Long Dock peninsula shoreline, and its design.
- Visual impacts on Long Dock Beacon: The fixed pier might have approximately the same elevation as the Long Dock Beacon after the hotel, parking area and boardwalk are constructed, which might adversely impact scenic views to the north of the harbor and the Hudson River from Long Dock Beacon's North Boardwalk proposed along the harbor's southern shoreline.
- Restricted surface water usage in the area between the fixed pier and Long Dock peninsula: The fixed pier might create a confined area of surface water between it and the Long Dock peninsula shoreline. The size of the area, its potential uses and access will be determined by the orientation of the fixed pier relative to the shoreline (see below).
- Lack of connectedness to activities on the waterfront: The Beacon Institute for Rivers and Estuaries should be an "anchor" for the waterfront area. Its research vessels could play an integral role in creating this anchor as well as generating interest in the activities of The Beacon Institute. Placing the research vessels at the end of a long fixed pier, 1,000 feet from Red Flynn Drive, would tend to disconnect them from the waterfront, although a long pier could also afford the opportunity for increased public and municipal use such as docking for other vessels.
- The potential for dredging and the need to remove derelict piles.

The fixed pier could have various lengths and orientations relative to the shoreline on Long Dock peninsula and there are various combinations of lengths and orientations as well ([Figure 11A, B and C](#)). The particular length and orientation that is chosen for the fixed pier will depend upon many factors including water depths, the need for dredging, regulatory issues, various engineering considerations such as sediment stability, navigation, public safety, and the need to make trade-offs. To guide in the selection of a location, an analysis of the impacts of changing lengths and orientations of the fixed pier was undertaken.



Figures 11A, B, C – Fixed Pier of City of Beacon

Pier Length

The fixed pier will need to extend out at least as far as the end of Long Dock peninsula, a length of the 400 feet, in order to provide adequate docking space. It could also extend beyond Long Dock peninsula and into the Hudson River.

If the fixed pier were only to extend to the end of Long Dock peninsula, the following factors need to be considered:

- dredging would be required because the water depths would be insufficient for the larger research vessels;
- similar to the alternative that uses the south side of the ferry dock, the number of vessels that could be docked at the City property alternative would be limited because the number of boats that could use it is proportional to its length; there might be limited opportunity for use by recreational boats; and
- the design options at the terminus of the fixed pier would be limited (see below) because it will terminate within the harbor.

It would:

- be the least expensive to build and maintain;
- possibly cause the least amount of surface water shading;
- be the most protected from ice damage;

- pose the smallest risk and interference with navigation; and,
- be the easiest to use and access.

However, as the length of the pier increases beyond Long Dock peninsula:

- the amount of dredging required will decrease and if the pier extends far enough into the Hudson River (approximately 200 feet from the end of Long Dock peninsula), dredging will be unlikely;
- more vessels will be able to use the fixed pier;
- the construction and maintenance costs will increase due to the additional length and the increasing potential for ice damage;
- its potential to interfere with navigation will increase;
- it will become increasingly susceptible to ice damage;
- the amount of surface water shading will increase; and • it will be more difficult to use.

Pier Orientation

From where the fixed pier originates on the shoreline of the City property, it can have a range of orientations (angles) relative to Long Dock peninsula. There are five principle considerations that need to be taken into account with respect to the orientation of the fixed pier:

1. the possible uses of the area of surface water that it creates between Long Dock peninsula and the fixed pier;
2. the visual impacts of the fixed pier on Long Dock Beacon and particularly the North Boardwalk;
3. the potential to pose an obstruction to ferry operations;
4. vessel access to and from the inner harbor; and
5. the quality of the views from the harborfront to the Hudson River and of the harborfront from the Hudson River.

It should be noted that the degree to which the fixed pier will pose an obstruction to the ferry and will limit access to the inner harbor will also be determined by its length.

The closest location of the fixed pier to the Long Dock peninsula could be along the City property line, ten to twenty feet north off of the shoreline. This would create a relatively small and probably unusable area of surface water. This location would have the greatest negative impact on Long Dock Beacon because the closeness of the fixed pier to the North Boardwalk would create visual and aesthetic issues. It would, however, have the least impact on the ferry and access to the inner harbor.

As the orientation of the fixed pier is shifted towards the north (i.e., angled away from Long Dock peninsula), the area of the surface water between it and Long Dock peninsula would increase and this would increase the usability of the area by small boats. There will also be increasing separation between it and Long Dock peninsula which will reduce the fixed pier's adverse visual impacts on Long Dock

Beacon. However, its proximity to the ferry accessway will increase as the orientation shifts northward, and thus its potential conflict with the ferry. Also, this location will limit access to the southern portion of the inner harbor.

There are three basic options for the how the pier terminates: a straight end, a “T”, or an “L” with the “L” oriented toward either the north or the south. How the pier terminates will determine the orientation of vessels, how many research vessels can be moored to it and the amount of protection the pier will provide to the moored vessels; the “T” configuration provides the most options and the straight configuration the least. How the pier terminates will be determined, in part, by how it conflicts with other navigational needs, with the straight end posing the fewest conflicts and the “T” the most conflicts.

Regardless of the length and orientation of the fixed pier, an access road to the fixed pier would need to be built from Red Flynn Drive (probably via the ferry landing area) along the length of the City property and between the Red Barn and the shoreline. Alternatively, if an agreement could be made with Scenic Hudson/Foss Group Beacon to use the Long Dock Beacon property, it may be possible to gain access to the fixed pier from the main east-west roadway through Long Dock Beacon via a connector road located on the west side of the Red Barn.

The City property is undeveloped and offers a natural setting comprised of scattered trees, shrubs, and invasive plants; the understory has been cleared and replaced with grass. The City wants to maintain a park-like setting on the property and it should be relatively easy to meet this requirement while still providing access to the fixed pier; The Beacon Institute has discussed with the City their commitment to enhancing this natural area and increasing public access here as part of their potential use of this area.

The access road to the pier will need to be designed and situated to maintain the natural qualities of the property. It should be placed as close as possible to the Long Dock Beacon north property line in order to create as large an area of shoreline between the road and Beacon Harbor as possible and to minimize the fragmentation of the property. It should be constructed of gravel or other pervious material in order to minimize stormwater runoff and to minimize its visual intrusiveness. The shoreline where the fixed pier will originate would probably need to be bulkheaded in order to create a stable transition from the land onto the fixed pier. Depending upon its proximity to the shore and the load bearing capacity of the soils, the access road might require the stabilization of the shoreline in order to prevent it from collapsing into Beacon Harbor; the shoreline stabilization, if needed, might pose environmental and regulatory issues but also habitat restoration opportunities.

Regarding this option, which extends the fixed pier from the City land along the north edge of Long Dock peninsula, in the future fixed pier alternatives siting study and impact analysis must include an analysis of the criteria and variables regarding the extent of the impact and the resultant compatibility or incompatibility of pier activities. This assessment will include elements such as effects on lighting, noise, and hours of activity, and impacts from pier and vessel operations on the Long Dock Beacon north pier, hotel, conference center component activities currently undergoing permit review with the City of Beacon, and impacts on natural resources.

4.4.2. Fixed pier as an extension of the Existing Ferry Dock (Figure 11-D)

This option is a long extension of the existing ferry dock, taking the pier into the deeper water it requires.

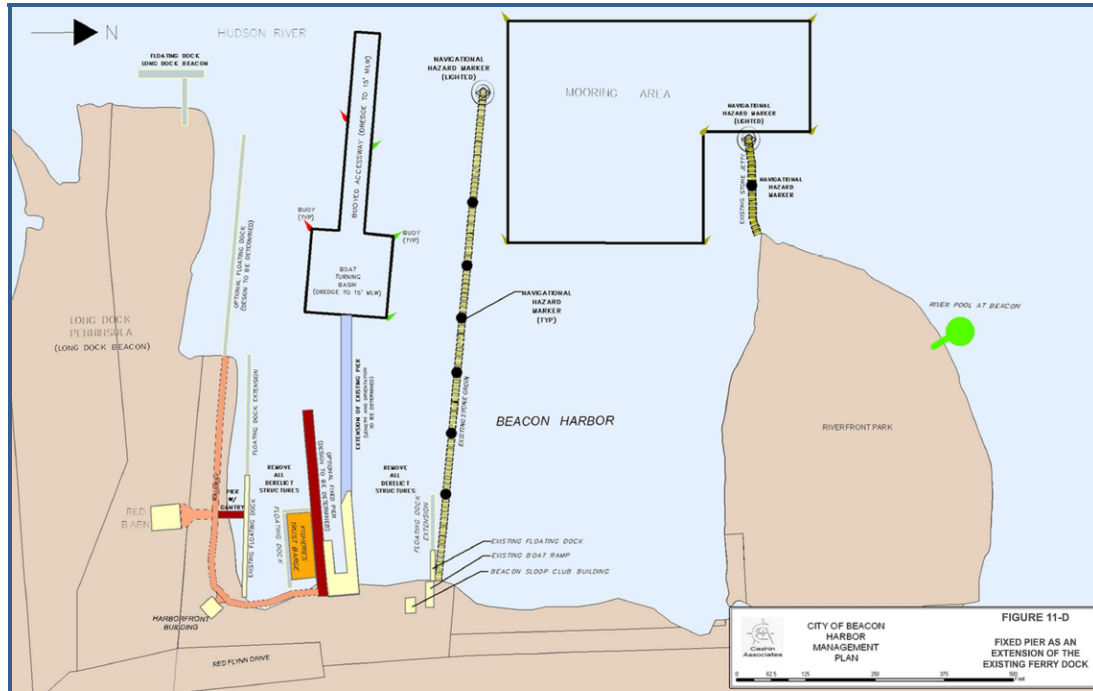


Figure 11D – Fixed Pier as an Extension of the Existing Ferry Dock

The benefits of this option are summarized below.

- There would be flexibility for the use of the pier by others in addition to the research vessel; such as the Clearwater, the Woody Guthrie, visiting tour boats and large recreational vessels.
- This option is compelling as it makes the pier the centerpiece of the harbor, activating a larger area of waterfront.
- No dredging would be necessary.
- Shoreline access is easy, though the mixed use aspect would need to be managed with care.
- Connectedness with activities at the pier would draw attention and visitors easily, being so visible within the harbor area and train station.
- It would allow adjacent space for the Hudson Fisheries Trust barge.
- Visual and use conflicts with Long Dock Beacon would be lessened.

The disadvantages of this option are summarized below.

- Length: construction costs would be higher than for a short pier.

- The potential for environmental impacts is increased due to its length.
- The "mixed-use" aspect: the public and scientific uses could conflict. These different uses would need to be carefully analyzed and potential conflicts minimized through good design and attentive harbor management.
- There is a potential for ice damage, as the pier is less sheltered
- The shared co-existence with the Ferry would need to be examined in depth.

A thorough examination of the variables and impacts is necessary to assess this location's feasibility. The primary benefit is the lack of dredging required. Impacts to the current ferry system and anticipated harborfront improvements are among the many aspects that will need to be considered.

4.4.3. Fixed Pier off City Property South of Ferry Landing (Figure 11E)

Another potential location for the fixed pier is south of the ferry dock, off City property adjacent to Red Flynn Drive. The ferry docking facility consists of two docks, a longer north dock used to access the ferry, and a shorter south dock that provides public access to the harborfront. The research vessel fixed pier could be located either to the south of the ferry dock complex or might replace the shorter south dock that is part of the existing dock complex. Ideally, a pier at this location would be situated 50 to 75 feet south of the north ferry dock so that a research vessel could dock between it and the north ferry dock.

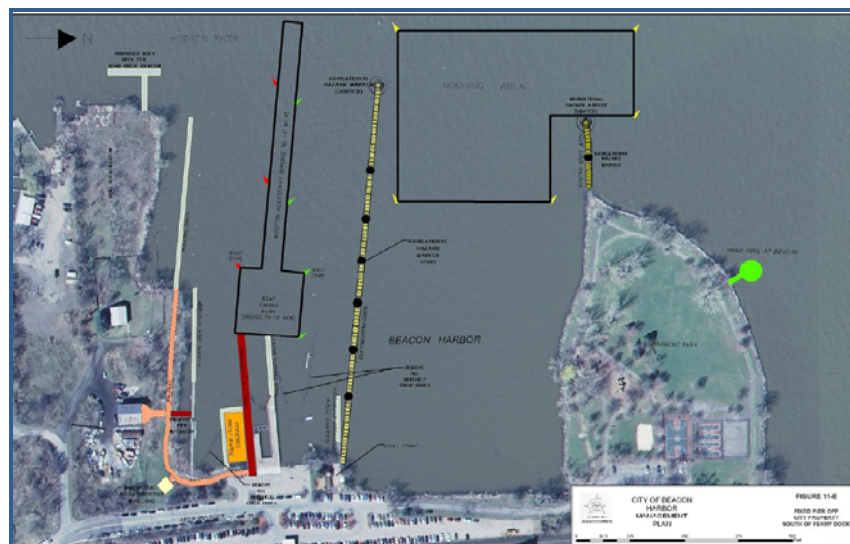


Figure 11E – Fixed Pier off City Property South of Ferry Dock

The research vessels would share the turning basin and accessway with the ferry in order to get access to the Hudson River. In this location activities associated with shore side support for the research vessels can be kept separate and distinct from all ferry docking activities and mitigate potential user conflicts.

There are numerous benefits associated with locating the fixed pier at this site.

- Length: The fixed pier would only be as long as the north ferry dock, approximately 300 linear feet. This would reduce costs and provide more efficient access from the shoreline onto the pier.
- Less potential ice damage: The fixed pier would be sheltered from ice movement in the Hudson River and a research vessel could berth at the dock all winter.
- Shoreline access: It would be easy for vehicles to access the fixed pier from Red Flynn Drive via the existing parking lot. The parking lot could also be used as a temporary loading/unloading area. Where the fixed pier makes landfall will need to be stabilized to ensure that the shoreline does not collapse from the weight of vehicles accessing the pier; this will likely require a short extension of the existing bulkhead.
- Connectedness with activities center: Any research vessels at the fixed pier would be easily visible from shore and pedestrians could easily walk from the shore to the research vessel. This would enable a research vessel to be a focal point and anchor in the harbor, although it is possible that there would be some constraints to research vessel activities due to the public traffic in this location.
- Hudson Fisheries Trust barge: The Hudson Fisheries Trust barge could be moored alongside the fixed pier, providing an accessible location for the barge and enhancing the “working waterfront” character of the harbor. In addition, floating docks could be secured to the west and south sides of the barge, providing additional facilities for sailing and small boats.
- Long Dock Beacon: Placing the fixed pier next to the ferry dock would eliminate most surface water access and visual conflicts with Long Dock Beacon and Long Dock Beacon development.
- Water column shading: Because the pier at this location would be shorter than at other potential locations, the extent of water column shading from the pier would also be reduced.

There are, however, also a number of disadvantages to placing the fixed pier at this location.

- Dredging: The water depths between where the pier would be situated and the Hudson River are not deep enough for larger vessels; depths in this area are only five to nine feet. These depths are sufficient for vessels that are less than 40 feet in length; however, The Beacon Institute intends to serve vessels up to 120 feet in length. Thus, the berth area along the pier and the ferry accessway would likely have to be dredged in order to accommodate larger vessels. To facilitate safe navigation, this channel must be 100 feet wide and six to 10 feet of material would have to be removed from the bottom of the harbor. This amount of material corresponds to approximately 15,000 and 20,000 cubic yards of dredged material. It should be noted that dredging this channel would also benefit the operation of the Newburgh-Beacon ferry, as there are several locations where the existing water depths are barely adequate for ferry passage.

- Pile removal: All of the derelict piles located in this area would have to be removed to accommodate the berthing areas of the vessels utilizing the pier.

When this potential location is compared with the location along Long Dock peninsula, it appears that there are more benefits and fewer conflicts associated with the “ferry dock” location. The primary drawback to this location is the need for dredging and its potential to be a regulatory roadblock.

4.4.4. Wharf along the North Shore of Long Dock Peninsula (Figure 11F)

An additional vessel siting option was presented by McLaren Engineering Group, the consultant hired to provide the City of Beacon with the professional services to study and assess specific opportunities and constraints on the location and orientation of the proposed Center’s research vessels and associated facilities identified in the Harbor Management Plan.

McLaren’s proposed alternate is to construct a wharf along the northern shore of Long Dock Peninsula. (See Figure 11-D) This option would require the dredging of berthing areas to accommodate the draft of the research vessels. Additional floating docks would be installed to accommodate other planned vessels.

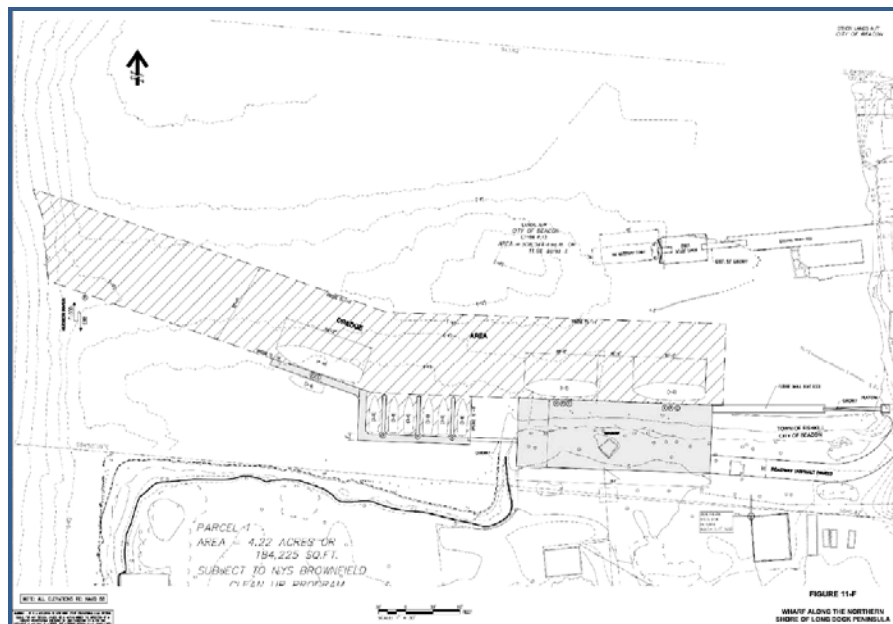


Figure 11F - Warf along the Northern Shore of Long Dock Peninsula

The benefits of the wharf option are:

- The wharf would be sheltered from ice floe forces in the river because it is within the harbor and relatively close to the shoreline.
- Maintenance costs are decreased due to the minimization of in-water structures.
- Shoreline access for vehicles servicing the research vessels is increased, and circulation on the wharf would be accommodated with greater ease than on a narrower pier.

- There would be increased proximity to the proposed service/education building
- Access for the public is increased due to the wharf's proximity to the shore.
- The impact on the view corridor from the Long Dock Beacon complex is minimized.
- There is minimal impact to the existing ferry service.
- Allows greater future development and use of the inner harbor between the northern shoreline of Long Dock Peninsula and the existing ferry pier location
- The wharf adds the least amount of overwater shading to the existing river area, minimizing the environmental impact.
- The inner harbor east and north of the wharf will be left open for small boats and other activities
- Visual and use conflicts with the Long Dock Beacon development would be lessened

All alternatives are exposed to regular wave impacts from the existing ferry service; however, the wave impacts are minimized with this alternative as the berthing locations are further into the harbor where the ferry has already reduced its speed.

The disadvantages of the wharf option are:

- Dredging is required in order to construct the wharf and to accommodate the draft of research vessels and other larger boats
- Maintenance dredging would be costly
- Shoreline stabilization would be required
- Provisions would be required to physically separate the public during research vessel loading and unloading
- Removal of derelict piles may be required to accommodate the wharf structure
- Operation and program area for the berthed vessels is primarily on land, reducing the available land surface area for other uses. Combined uses are possible, however, so the disadvantages are minimal.

This proposed location has a number of advantages in that it provides an accessible, protected location for the research vessels and balances the needs of stakeholders. Should this location be selected, careful analysis of the design in relation to the Long Dock Beacon development needs to be performed. The most significant drawback to this option is the dredging requirement its potential for regulatory difficulties.

4.4.5. Floating Docks, using a portion of the existing Ferry Dock for intermittent and scheduled bulk loading (Figure 11G)

McLaren Engineering Group, the consultant hired by the City of Beacon with the professional services to study and assess specific opportunities and constraints on the location and orientation of the

proposed Center’s research vessels and associated facilities identified in the Harbor Management Plan, presented an additional option that developed as the large wharf option was being examined.

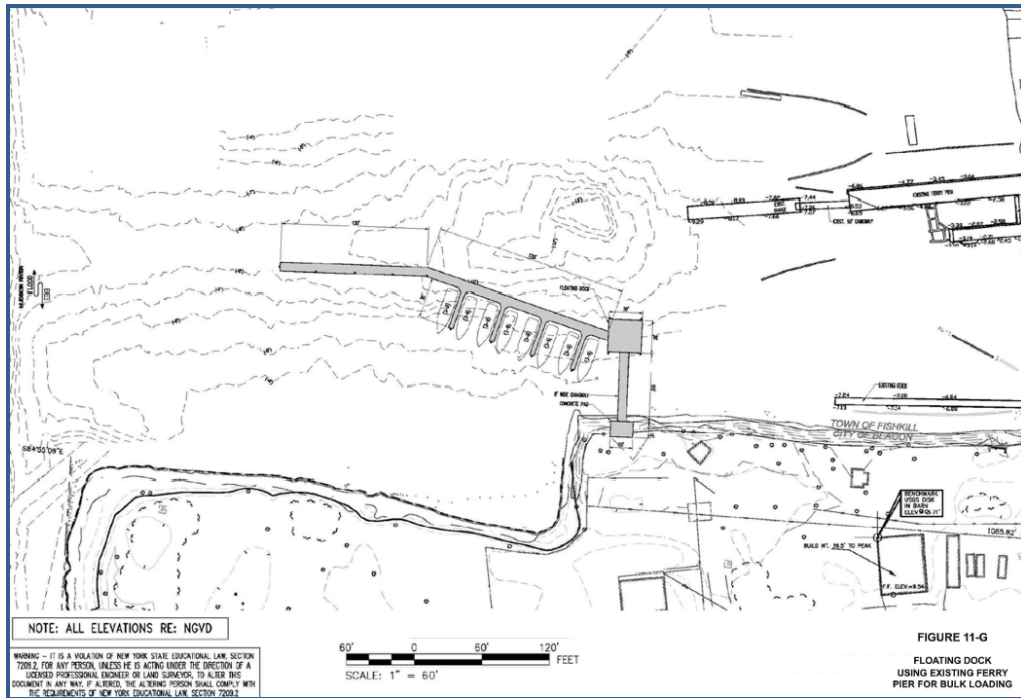


Figure 11G - Floating Dock Using Existing Ferry Pier for Bulk Loading

This proposed alternate is to construct a gangway landing at the end of the City property near the northern shore of Long Dock Peninsula. The concept is to provide sufficient floating docks to serve most vessels during the initial development of the research harbor. This concept intends to allow expansion of facilities and services in the future to address growing needs of the Institute, the Harbor, and the public. There would be a large ramp leading from this “education area” to a publicly accessible platform at water level, then a floating pier, which will accommodate the small/mid-sized research vessels, the Clearwater, and the Woody Guthrie. Additionally, there would be finger docks for smaller boats off of this pier. The largest of the research vessels and the Clearwater would use the southern arm of the existing ferry dock for bulk loading at high tide. This option supports the incorporation of additional floating docks in the “inner harbor”, creates a flexible shore-side public space, enhances public access to the water, and does not require dredging.

The benefits of the floating dock option are:

- The docks would be sheltered from ice floe forces in the river because it is within the harbor and relatively close to the shoreline.
- Shoreline access for vehicles servicing the research vessels is increased,
- There would be increased proximity to the proposed service/education building
- The impact on the view corridor from the Long Dock Beacon complex is minimized.

- One possible design concept allows the Clearwater to moor broadside at the pier, enhancing the public view from the train, station and harborfront.
- There is minimal impact to the existing ferry service.
- Allows greater future development and use of the inner harbor between the northern shoreline of Long Dock Peninsula and the existing ferry pier location
- This option requires no initial dredging, minimizing the environmental impact. This results in a reduced level of service for the facility until further need and funding is obtained from expanded services and dredging
- The inner harbor east and north of the docks will be left open for small boats and other activities
- Visual and use conflicts with the Long Dock Beacon development would be lessened
- All alternatives are exposed to regular wave impacts from the existing ferry service, however the wave impacts are minimized with this alternative as the berthing locations are further into the harbor where the ferry has already reduced its speed.
- Opportunities abound for interpreting and explaining the operation and equipment of the educational vessels to the public (at a safe distance when necessary).
- No dredging maintenance dredging is required. This saves time, there is less regulatory time and energy, and there is a substantial cost savings. All of these factors increase the projects' feasibility.

The disadvantages of the floating dock option are:

- Pre-scheduling and timing will be necessary for the larger research vessels and the Clearwater to use the southern ferry dock at high tide.
- Provisions would be required to separate the public during research vessel loading and unloading; though the real bulk loading will be at the southern ferry dock; which will be easier to cordon for that short time.
- Removal of derelict piles may be required to accommodate the docks.
- Removal of derelict piles may be required at the southern arm of the ferry dock
- Load-bearing capacity and the construction of the southern arm of the ferry pier will need to be reviewed and possibly modified, or additional berthing dolphins installed to minimize additional loads on the existing pier.

The program area for the berthed vessels is primarily on land, reducing that available land surface area for other uses. This option does however provide public access both shore-side and on the water, and allows for larger and more diverse, combined uses, so this disadvantage is minimal. This is particularly true in light of the abundance of adjacent public parks; Riverside Park and the soon-to-be-constructed Scenic Hudson Park at Long Dock Beacon.

This proposed location has a number of advantages in that it provides an accessible, protected location for the research vessels and balances the needs of stakeholders. Should this location be selected, careful analysis of the design in relation to the Long Dock Beacon development needs to be performed. The most significant benefits of this option are that no dredging is required, and it represents a substantial cost savings.

The figures on the following pages show the five vessel siting pier option described above:

4.5. Floating Docks

One of the surface water uses that is currently unavailable, but that could be provided in order to make Beacon a destination by water, is dockage for transient boats. It is inconvenient for transient vessels to moor or anchor offshore because people would need either a small boat or livery service to transport them to and from their boats. Floating docks could offer both short term use or overnight stays and while not necessary, electric and water could be provided. The City could generate revenue by charging fees for transient dock use.

Floating docks (it is assumed that all floating docks will be comprised of eight foot wide by 20 foot long modules) can meet a number of needs including docking for small rowing and sailing boats and storage for dinghies used to access moorings. Floating docks can also provide seasonal and transient dockage for recreational boats. The Woody Guthrie could be docked at a floating dock which will provide easy access. The floating docks would also provide a temporary tie up for boats using the ramp and further out small boats or dinghies could be stored or moored on or adjacent to the floating docks.

The floating docks could be operated by the City or their operation could be turned over to another entity such as the Beacon Sloop Club. The floating docks would probably need to be removed seasonally to prevent damage by ice. There are three locations that could accommodate floating docks: along the north side of Long Dock Beacon, along the north side of the City property, and adjacent to the stone groin. Each of these locations is discussed below.

4.5.1. Along Long Dock Peninsula

If the fixed pier is not constructed at this location, and Long Dock Beacon's use facilities are accommodated, a floating dock could be placed along the north side of the Long Dock Beacon property. The floating dock would be limited to 400 feet in length and thus would not extend beyond the end of Long Dock Beacon peninsula. In this configuration, the floating docks would be accessible by dinghies and small boats tied up either alongside or perpendicular to the floats; approximately 15 (parallel) and 40 (perpendicular) boats could be accommodated. This dock could be accessed either by a pathway the length of the City property leading to a gangway or by a gangway from Long Dock Beacon or both.

Floating docks at this location might be used to showcase and facilitate access to the Woody, which is currently docked at a floating dock that can only be accessed by another boat. Scenic Hudson and Foss Group Beacon have also offered to dock the Woody in the Quiet Harbor that is part of Long Dock Beacon's overall development proposal.

4.5.2. Along City Property on the Long Dock Peninsula

The existing floating dock along the north side of the City property should remain and consideration should be given to providing additional access to it from the shore by placing a gangway in the vicinity of the Red Barn, as indicated in Beacon Institute Vessel Pier option 4.4.5. The floating dock may need to be reconfigured to allow for the gangway option. The use and accessibility of this floating dock, however, may be somewhat limited if the fixed pier and the Hudson Fisheries Trust barge are placed south of the ferry dock, thus occupying surface water that would otherwise be available to users of the floating dock. Two uses that could be accommodated at this floating dock are an emergency response vessel and a harbormaster boat, because of its proximity to shore and to the proposed harborfront building.

4.5.3. Along Stone Groin

Another potential location for the installation of floating docks is along the south side of the stone groin. A ramp would be needed to connect the floating dock to the land on the north side of the public launching ramp. The floating dock at this location would be well-suited to provide a temporary tie up for boats using the public launching ramp, and small boats or dinghies could also be stored or moored at the floating dock.

4.5.4. Along the Beacon Institute Research Vessel Pier

Floating docks could be installed parallel to the fixed pier along its north and/or south sides to provide docking for smaller research and recreational vessels. Because the fixed pier will be several feet above the water surface, the floating docks would need to be accessed from the fixed pier via one or more cantilevered landings built off of the fixed pier that would be connected to ramps leading to the floating docks. In order to minimize conflicts with research vessels, the floating docks would not be installed within 200 feet of the terminus of the fixed pier. Depending upon the length of the fixed pier and its orientation, together with the size of boats, the floating docks could provide docking for between five and 30 boats. Finger docks off of the floating docks would probably not be feasible as they would occupy too much surface water area. Floating docks could also be installed off of the proposed gangway option.

4.6. Long Dock Beacon Dock

If constructed, this dock could be used for long or short-term docking by recreational boaters wishing to visit Long Dock Beacon or the City ([Figure 12](#)). It might also be possible to use this dock, depending upon its stability and carrying capacity, to access excursion type vessels. The design of this dock would not meet the requirements for use by The Beacon Institute's research vessels as it could not provide vehicular access to vessels and might not be strong enough to secure large vessels during periods of high winds or currents, although it could probably be used for temporary access. The dock would be susceptible to ice damage and might need to be removed for the winter.

This dock could be a fixed pier which might be capable of docking the research vessels of The Beacon Institute. This option would tightly constrain research vessel activities, and create difficulties with

equipment access to the vessels, proximity to Long Dock Beacon hotel activities, and the complex issues of pier management and maintenance.

The dock should be designed as to not pose a risk to navigation in the Hudson River or in Beacon Harbor. The dock should be designed to minimize the distance small boats, canoes, and kayaks traveling south from Beacon Harbor or north to Beacon Harbor go into the Hudson River than they might otherwise need to.

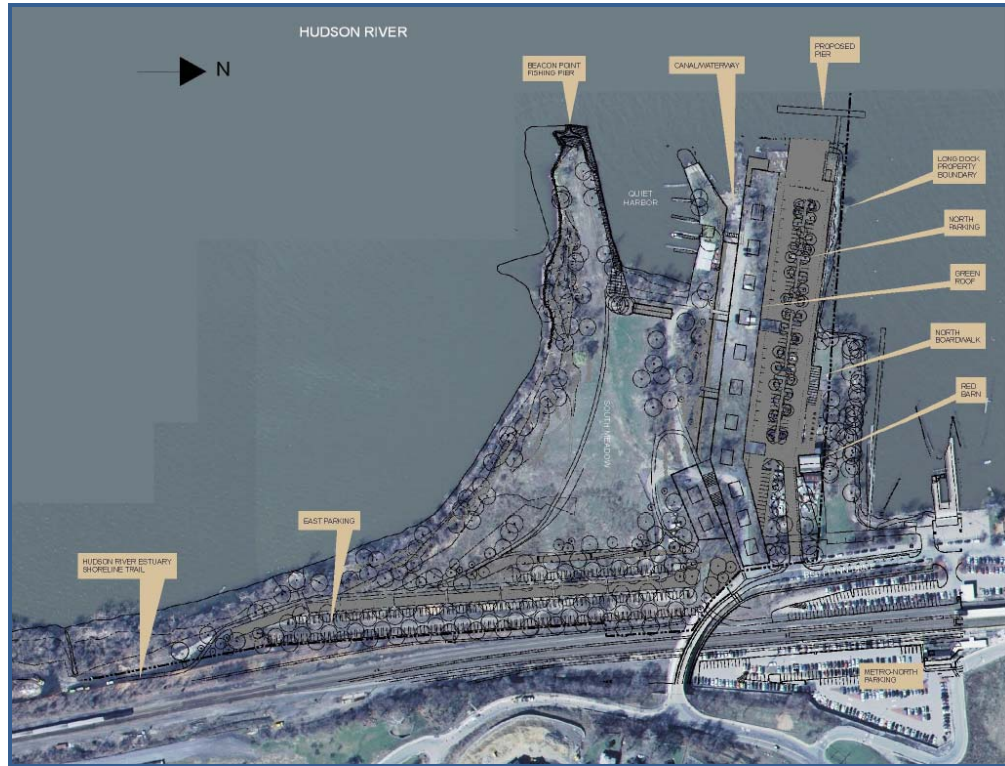


Figure 12 - Aerial Photograph of Proposed Project at Long Dock Beacon

4.7. Mooring Fields

It is proposed that one mooring area be formally established, located approximately 600 feet from shore, between the stone groin and the jetty at Riverfront Park; it would extend several hundred feet into the Hudson River. This area has sufficient water depths and moorings would not conflict with other uses. Moorings should not be placed between the ferry accessway and the stone groin because they will block access to the public launching ramp. Moorings should also not be placed between Long Dock peninsula and the ferry accessway, because they would limit the use of the open water area in the harbor, and would likely block access to the proposed fixed pier that would be located in this area.

There is sufficient area at the proposed location to establish a four acre mooring field, accommodating a minimum of 40 boats depending on size and orientation. This mooring field is intended to accommodate existing moorings and vessels relocating from the Dutchess Boat Club. The mooring field should be formally established and permitted so that it will be shown on navigation charts and delineated by buoys.

It will be necessary to provide for access to the mooring field from shore. Access to the existing moorings is currently accomplished by using dinghies and small boats which are stored on the shoreline. Since space along the waterfront is limited, an efficient way to store dinghies, such as racking, should be established. Consideration might also be given to establishing a livery service to transport boat owners between the shore and the mooring field.

4.8. Support Facilities

There is a need to support the surface water uses recommended in this section and to provide a land-based focus for the waterfront. A new harborfront building could be constructed to provide a shelter/waiting area, restrooms, an office for a harbormaster, and meeting space. It would house the support and storage facilities for The Beacon Institute's research vessels and classrooms for the harbor-oriented public educational program of The Beacon Institute. The facility would need a small parking area for use by The Beacon Institute personnel and the harbormaster during weekdays when parking is limited in the waterfront area.

Locating the harborfront building on the City property south of the ferry landing offers several benefits including.

- Close proximity to the Red Barn: A boatbuilding program is proposed for the Red Barn and placing the harborfront building in vicinity of Red Barn would allow for programmatic tie-ins and support and potentially shared uses.
- Proximity to Red Flynn Drive and existing parking: The site is too small to provide more than a few parking spaces so the existing parking will have to be used; the building's proximity to Red Flynn Drive will make visitor drop-off and pickup easier.
- The site's topography: The site is a natural depression which would allow for two stories that would be partially screened from view and not block views of the Hudson River from the east; an observation area could be constructed on the building's roof.

The harborfront building is envisioned as a two story building. The ground floor would provide a research equipment storage and work area for The Beacon Institute as well as facilities for staff including restrooms and a shower/changing area for crew and researchers (smaller research vessels do not have these facilities onboard). It would have an indoor and outdoor waiting area and possibly public restrooms. Informational kiosks could be placed around the building to provide information on the Hudson River.

The second floor would be more like a community center. There would be an office for the harbormaster and meeting areas that would accommodate the Beacon Sloop Club and the Dutchess Boat Club (the Dutchess Boat Club will be losing its meeting building when Long Dock Beacon begins construction). The Beacon Institute for Rivers and Estuaries has proposed an interactive educational classroom space at Beacon Harbor related to their programs at Denning's Point and the research activities in the harbor. The opportunity to share community use of this space will benefit the public, other users, and the City of Beacon. However, a more in depth study beyond the scope of this document should be conducted prior to any decisions related to the construction of a support facility.

4.9. Red Barn

The Red Barn is an existing structure that is proposed to become a boat building center. Discussions have been held between The Beacon Institute and Scenic Hudson which have concluded that there is potential to accommodate some of the storage requirements of the boat building activities on the City property; however, future discussions between the City, The Beacon Institute and Scenic Hudson will need to be held to determine the best use of the property for various activities.

Access to the water would be desirable and could be provided across the City property to a gangway leading to the floating dock that is proposed for along the City property. A hoist could possibly be constructed on the land that would be capable of launching and retrieving small wooden boats built or refurbished at the Red Barn. However, it is doubtful that all attendant boat building activities can be accommodated within this small area, as the City had offered to make this property available to primarily accommodate The Beacon Institute's research activities and their public educational component. Parking at the Red Barn will be an issue, as there is extremely limited space for any parking on the City property, both at the Red Barn or the proposed harborfront building. A more in depth study of the proposed uses for Red Barn should be conducted in order to determine which uses would be best suited for this location.

4.10. Hudson Fisheries Trust Barge

The proposed Hudson Fisheries Trust (HFT) barge could be moored on either side of the ferry dock or on the south side of The Beacon Institute's fixed pier if it is constructed in this area. Based on available information, the water depths will be deep enough for the proposed barge so that no dredging is required, although the derelict piles in this area would have to be removed. It should be possible to place floating docks along the west and south sides of the barge to provide more small boat docking and dinghy storage. The docks would have to be easily disassembled for whenever the barge needs to be moved.

The area west of Red Flynn Drive in the vicinity of the ferry landing might have to be modified to allow for a bus loading zone as it is likely that school groups will be visiting the barge during school days. It should be possible to create a loading zone without eliminating any parking spaces. Alternatively, the loading zone could be in the parking area on the west side of Beacon Station provided the entranceway and exitway were modified to let buses easily enter and leave the parking lot.

4.11. River Pool

The north side of Riverfront Park is a suitable location and will not conflict with other uses of the harbor. It is important that no activities, such as dredging, be undertaken in the harbor area if they would adversely impact water quality during the swimming season and result in the prohibition of swimming.

4.12. Water Chestnuts

The northern section of Beacon Harbor is a protected area that is well-suited for small boat use. However, during the late spring and early summer, the surface waters of the harbor are covered with

water chestnuts making the area's use by canoes, kayaks and small boats nearly impossible. Although some studies have suggested that water chestnuts have habitat value, an evaluation should be conducted on the possibility of "waterscaping" the water chestnuts to the extent needed to facilitate canoe, kayak and small boat use and its impact on the water chestnut habitats natural values.

4.13. Jetty

The stone jetty extending into the Hudson River from the southwest corner of Riverfront Park is not well marked which makes it a hazard to navigation. Markers should be placed at its terminus and along its length to warn boaters of the potential navigational hazard.

4.14. Stone Groin

The stone groin, except for the rocks at its terminus in the Hudson River, is not visible during high water and barely visible during low tide which makes navigation unsafe, particularly for boaters who are not familiar with the area. This situation could affect the attractiveness of Beacon Harbor as a destination for transient boaters. A prominent lighted marker, either a buoy or piling, should be placed at the terminus of the groin advising boaters of its presence and markers should also be placed at intervals along its length.

4.15. Vessel Pumpout

The Hudson River is a vessel no discharge zone which means that the discharge of treated and untreated sanitary waste from vessels is prohibited. There are no vessel pumpouts in Beacon Harbor. A pumpout should be available for boats using the mooring field and the launching ramp as well as for transient boats. In addition to a pumpout, a dump station for portable toilets should be available. The proximity of pumpouts suitable for large vessels like the research vessels and visiting excursion boats has still to be analyzed; providing pumpout facilities at the Harbor may become an option worth investigating.

4.16. Summary of Recommendations

Specific recommendations to achieve the three goals of the Harbor Management Plan that will minimize, mitigate or eliminate the issues identified in Section III of the this report are described below.

4.16.1 Goal 1:

Promote the economic well-being of the City through appropriate waterfront redevelopment.

- The City should continue to coordinate with all current and potential users of the harbor to avoid conflicts over surface water usage.
- The City should continue to coordinate with Metro-North in making the parking areas west of the railroad track available for harbor usage including a designated area for loading and unloading boats using the public boat ramp.
- The City should continue to work with the Beacon Sloop Club to reconfigure the floating docks and mooring areas to meet revitalization needs and to accommodate all users.

- The City should continue to coordinate with Scenic Hudson and the Dutchess Boat Club to identify potential areas in the harbor for recreational boat dockage.
- The City should continue to coordinate with Scenic Hudson and Foss Group Beacon for the successful completion of the Long Dock Beacon project.
- The City should develop a plan to remove derelict structures in the harbor to improve boating safety.
- The City should continue to work with The Beacon Institute for the successful completion of the Research Vessel pier and related water- dependent support facility.

4.16.2 Goal 2:

Conserve the City's Hudson River heritage as a small, working harbor.

- The City should continue to coordinate with The Beacon Institute for Rivers and Estuaries to construct the research vessel fixed pier and to support research, educational outreach programs and revitalization of the harbor.
- The City should continue to coordinate with the Hudson Fisheries Trust in establishing a museum barge in the harbor.

4.16.3 Goal 3:

Protect important habitats and open spaces, and maintain the pastoral character of the southern water front.

- The City should continue protecting and enhancing (where applicable) the important habitats found in the HMA during the revitalization of the harbor and the surrounding area.
- The City should continue to evaluate the existing sanitary wastewater system and address the overflows into Fishkill Creek during heavy rain events.
- The City should implement best management practices to address stormwater inflows from the stormwater pipe in the northern section of the harbor to reduce untreated stormwater runoff from entering the harbor's surface water.
- The City should consider a conducting a pilot project to control water chestnuts to determine how best to manage this invasive species.

4.17. Proposed Surface Water Use Map

A number of surface water uses are proposed for Beacon Harbor. The Beacon Institute's research vessel pier is a major proposed use, and its configuration and location may affect the final location of the other proposed uses. Figures 11A through 11G depict five different options for The Beacon Institute's pier. The following Surface Water Use Map ([Figure 13](#)) generally indicates locations for the proposed surface water uses throughout the harbor area.



Figure 13 - Proposed Surface Water Use Map

Section 5 - Implementation Techniques

5.1. Implementation Actions

In order to advance the recommendations of the HMP and to address the various issues and opportunities in the HMA, a number of projects and studies have been identified.

5.1.1. Finalize Fixed Pier Location

The City of Beacon should continue to work with The Beacon Institute for Rivers and Estuaries on identifying a location and design for the fixed research vessel pier located in Beacon Harbor. The establishment of a desired siting and design for the pier is imperative to implementing the long term visions of the harbor's revitalization.

Establishing a new pier in the harbor would likely involve multi-agency coordination and regulatory compliances (USACE, USFWS, USCG, NYSDOS, NYSDEC, City of Beacon and Town of Fishkill). Once a pier location and design have been established, the next step is to initiate the permitting process. Because the permitting process is likely to require a considerable amount of time, this phase of the pier development should be initiated as soon as possible.

Several criteria, especially when dredging will be required, must be established to initiate regulatory compliances (i.e., design and siting of pier, method of dredging and estimation of dredge material to be removed, testing soil to be dredged for containments, location of an approved dredge disposal site and evaluation of whether there will be impacts to any essential fish and wildlife habitat). Dependent on the siting of the pier, collection of the data to meet these criteria could require a considerable amount of time; the City and The Beacon Institute should initiate this data collection as soon as possible. It is recommended that before the design and location are finalized, the City and The

Beacon Institute have a pre-application meeting with the various regulatory agencies to identify regulatory concerns that can be addressed in the final siting and design. As part of the pre-application process, the types of data needed to support the application should be identified.

5.1.2. Upgrade of Existing Storm Drain

The stormwater outfall pipe located in the northern section of the harbor is likely to be a significant contributor to the shoaling in the north part of the harbor as well as being a source of nutrients that enhance the growth of the water chestnuts. To prevent further siltation and to reduce the input of nutrients, this storm drain should be upgraded.

There are a large number of options available for stormwater treatment including: natural systems such as localized depressional storage, soil infiltration, gravitational settling, detention and retention basins, artificial wetlands, swales, and rain gardens, manufactured systems such as hydrodynamic separators and catch basin inserts. However, the extent of urbanization within the harborfront area presents significant challenges in proposing effective remedial strategies for addressing stormwater pollution.

Limited availability of undeveloped land prevents considering natural systems as a practical option for stormwater treatment. However, some structural stormwater treatment practices, such as water quality inlet catch basin, water quality inlet catch basin with sand filter, infiltration trenches and wells, leaching wells, fluid flow regulators, and roof runoff systems, may be applicable in the remediation of the stormwater outfall pipe in the northern section of the harbor and should be studied.

5.1.3. Remove Derelict Structures

Most of the near shore area in the southern portion of the harbor is lined with derelict structures. The various derelict structures, particularly those associated with the old Newburgh-Beacon ferry terminal, are visually unattractive and are a potential hazard to navigation. Some of them limit access to the shoreline, especially during low tide events.

Similar to the construction of a new pier, removal of derelict structures within the harbor could involve multi-agency coordination and multiple permits and approvals. If the removal of these structures is adopted as part of the harbor's revitalization, a detailed plan should be developed to address structure locations, environmental impacts, and debris control methods to be used during removal. Particularly, essential fish and wildlife habitats and possible contaminants that may be introduced into the surface waters as a result of this project must be evaluated.

5.1.4. Establish Buoys and Markers

As the harbor revitalizes and harbor usage increases, particularly by transient boats, marking obstructions to navigation by installing buoys and markers may be warranted. The corners of the ferry's turning basin should be marked with buoys as should the accessway. The mooring locations should be identified and buoys placed at the corners of each mooring field. Hazard markers should be placed at the end and along the stone jetty and the stone groin. Any derelict structures and obstructions that are not removed should be marked. All navigational markers should meet United States Coast Guard specifications.

5.1.5. Repair Existing Boat Ramp

There are a number of actions that should be undertaken that would greatly improve the use of the City's boat launching ramp.

- The floating dock for boats using the ramp should be replaced with a dock that is more stable, longer, and easier to access from land.
- The paved area in front of the launching ramp and the curbing should be reconfigured and marked to improve vehicle/trailer access to the ramp and to direct traffic flow and movement.
- The channel leading from the ramp to deep water should be marked with buoys and signage.
- Signage should be placed on the stone groin advising ramp users of its location.

- Obstructions on the bottom and shoals should be removed.
- If water depths at low tide do in fact limit navigation, the use of the ramp should be restricted to those times before and after high water when a vessel is not likely to be damaged; there should be signage to this effect placed at the ramp.
- All of the old pilings and in-water structures should be removed to provide safer navigation and easy access. Minor dredging may be needed to eliminate shoal spots.

5.1.6. Construct Additional Floating Docks

Floating docks (it is assumed that all floating docks will be comprised of eight foot wide by 20 foot long modules) can meet a number of needs including docking for small rowing and sailing boats and storage for the dinghies used to access the moorings. Floating docks can also provide seasonal and transient dockage for recreational boats. The floating docks could be operated by the City or their operation could be turned over to another entity such as the Beacon Sloop Club. The floating docks should be seasonal (removed for the winter) so as to minimize damage by ice.

One of the surface water uses that is currently unavailable, but that should be provided in order to make Beacon a destination by water, is dockage for transient boats. It is inconvenient for transient vessels to anchor or moor and floating docks could offer either short term use or overnight stays. While not necessary, electric and water could be provided. Fees could be charged to use this dock.

5.1.7. Control Water Chestnut

Selective clearing of water chestnuts should be undertaken as a pilot project to evaluate the feasibility of implementing a water chestnut control program. Although, biological control methods have been investigated since the early 1900s, physical control methods, both mechanical and manual, are the primary means of controlling water chestnuts. Repetitive mechanical harvesting over a number of years of floating mats by means of weed harvesters can be an effective method to control water chestnuts. Manual removal is an effective means of controlling smaller populations: water chestnut roots are easily uplifted and hand harvesting from canoes and raking have been useful and are a means to promote community involvement. However, it should be noted that these methods will only serve to open up surface waters on an interim basis and will not provide a long-term solution in heavily infested areas.

5.1.8. Assess Support Facility Needs

A needs assessment for a building in the harborfront to support the surface water uses and to provide a land-based focus for the waterfront should be conducted.

5.1.9. Repair the Stone Groin

The stone groin which was constructed to prevent ice damage has deteriorated and needs refurbishing. As the harbor revitalizes, the over-wintering of vessels in Beacon Harbor may be warranted and controlling ice flow within the confines of the harbor may be necessary. In order to rebuild the ice break, the state requires that prior to undertaking actions for ice management, an assessment must be made

of the potential effects of such actions upon the fish and wildlife, flood levels and damage, rates of shoreline erosion damage and effects on natural protective features. Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

5.1.10. Comprehensive Bathymetry Study

The only bathymetric survey of water depths in Beacon Harbor was undertaken prior to the initiation of the Newburgh-Beacon ferry operations and it was not a complete survey of the harbor. A detailed bathymetric survey of Beacon Harbor is needed to identify where various uses could be situated, where dredging might be needed and the volume of sediment that would be generated from dredging operations. The bathymetric survey should include the area on the north side of the stone jetty. All existing and potential users of the harbor and surrounding surface waters should assist in this study.

5.1.11. Sediment Quality

The quality of the sediments in Beacon Harbor is unknown and there is concern that it may have some chemical contamination given the surrounding land uses and the transport of sediments by the Hudson River. Knowing the quality of the sediments is essential for assessing the feasibility and potential environmental impacts of dredging. A survey of the sediments should be undertaken to identify any chemical contaminants and to map the distribution of sediment grain sizes and biological habitats. Both surface and sub-surface sediments should be tested. All existing and potential users of the harbor and surrounding surface waters should assist in this study. The NYSDEC could be consulted regarding the types of testing that should be performed.

5.1.12. Sediment Engineering Characteristics

The load bearing capabilities and other engineering considerations of the sediment in Beacon Harbor is unknown and will need to be determined for the siting and design of several options for The Beacon Institute for Rivers and Estuaries fixed pier. This is less of a concern for the gangway option 4.4.5. Load bearing capability is important because the fixed pier could be a large structure that will need to support considerable weight and also resist the environmental stressors associated with the Hudson River. The Beacon Institute should take the lead role in this study.

5.1.13. Transportation

The expansion of the limited parking in the harborfront area might not be enough to support future activities along the waterfront and ensure access. City of Beacon, in conjunction with the Poughkeepsie-Dutchess County Transportation Council and the NYS Department of Transportation, will seek funding from the Federal Highway Administration and the Federal Transit Administration for planning and operating an adequate transportation system connecting the waterfront with neighboring places.

5.2. Implementation Actions by Others

Achieving the goals and objectives of the HMP will require actions and cooperation by others outside the City of Beacon's municipal government. Shared and multiple uses are particularly important given the limited amount space that is available.

5.2.1. The Beacon Institute for Rivers and Estuaries

The Beacon Institute's fixed pier, research activities, and educational programming will be a major element in the revitalization of Beacon Harbor. The Beacon Institute should continue to move forward and coordinate with the City as to the siting and the design of the proposed fixed pier.

5.2.2 Long Dock Beacon

The redevelopment of Long Dock peninsula will restore a degraded brownfield site, revitalize the waterfront, create public access to the peninsula, and help reconnect the city to the waterfront. It is imperative that Scenic Hudson, Foss Group Beacon and the City continue to coordinate as to the design and placement of the various facilities and operations of this project in order to be integrated with those of the other uses and users of the harbor.

5.2.3 Metro-North

In order to assist in addressing the parking issues on the west side of the train station, Metro-North should continue with the process of planning a parking garage on the east side of the train station. The City should encourage Metro- North to pursue the necessary funding and to incorporate this new parking facility into its long term redevelopment plans.

5.3 City of Beacon Implementation Actions and Local Laws

The first part of Section 5 – Implementation Techniques, offers specific recommendations for further study and action to address the issues and achieve the goals identified in the Harbor Management Plan. The City of Beacon should take the following steps to implement the goals of the Harbor Management Plan:

1. The City Administrator should present the Harbor Management Plan to the City Council for review.
2. The City Council should review the Harbor Management Plan and set up a public hearing.
3. The City Council should formally adopt the Harbor Management Plan.
4. The City Council should review the Generic Environmental Impact Statement prepared in conjunction with this HMP. Action on the GEIS should be taken once the City determines which Beacon Institute of rivers and Estuaries Vessel Pier alternative to implement.

5. The City of Beacon currently has an ordinance entitled “Harbor Management” (Chapter 33 of the City of Beacon Code of Ordinances) that addresses activities in the Harbor Management Area. The City Council should review and adopt language, in coordination with the City Attorney and the City’s Planning Consultant, to amend the existing Harbor Management Chapter (Chapter 33) of the City of Beacon Code, with the following specific goals in mind:
 - a. Adopt the Surface Water Map contained in the Harbor Management Plan
 - b. Designate the authority to create a mooring permit system to control the placement of moorings in the harbor.
 - c. Review the fee structure for mooring registration and docking permits; and set up a separate account for these fees.
 - d. Provide the authority for a permanent management structure for Harbor activities, operations, and implementation actions; including the establishment of a Harbor Manager position as described in Section 33-7 of the Beacon Code. Review the duties, authorities, and responsibilities of the Harbor Manager.
 - e. Provide for continuing coordination with stakeholders involved in the Harbor Management Area.
 - f. Because of potential noise and safety issues associated with motorized boats and personal watercraft, review and strengthen existing laws regulating speed, wake and noise from motorized boats and personal watercraft (i.e. jet skis) at a distance from shore to be determined by stakeholders at public meetings.

(See the copy of Chapter 33 Harbor Management that follows Section 6-Policies.)
6. The City should institute a plan of action and designate an authority to address the specific recommendations for study and action described in Section 5 – Implementation Techniques.

Section 6 - Policies

As part of the City of Beacon's Local Waterfront Revitalization Program (LWRP), this Harbor Management Plan (HMP) will address the policies of the LWRP that are directly applicable to the management activities in the Harbor Management Area (HMA). The following reviews the policies set forth in the LWRP, and evaluates the HMP compliance with these policies.

- *Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses (Policy 1).*

This HMP addresses this policy by proposing the construction of a new fixed pier for The Beacon Institute for Rivers and Estuaries, removal of derelict structures in the harbor; repairing the existing City public boat ramp and the construction of a harborfront building on the City owned property.

- *Establish waterfront commercial and residential uses on Long Dock peninsula to serve as a catalyst for the economic and physical revitalization of the entire water area (Policy 1A).*

Scenic Hudson and Foss Group Beacon's Long Dock Beacon project has been designed to improve public access to the shoreline, provide a means of creating water-related recreational resources, and maintaining, when possible, natural and historic resources.

The Beacon Institute for Rivers and Estuaries proposed research vessel activities and satellite educational programs will be located in Beacon Harbor. From the conception of The Beacon Institute, it was planned that the research vessels would be docked in the harbor to help revitalize the City as a working harbor and to promote economic development.

- *Structurally and aesthetically improve the harbor area between Long Dock and Riverfront Park to a level compatible with surrounding residential uses (Policy 1B).*

There are several areas within the harbor that have deteriorating bulkheads and pilings, many of which are associated with old Newburgh-Beacon ferry dock. The appearance of these structures, especially during low tide, is aesthetically unpleasing. As part of the HMP, the removal of many of these derelict bulkheads and pilings is recommended.

- *Facilitate the siting of water-dependent uses on or near coastal waters (Policy 2).*

There are several projects being proposed in this HMP that will support water-dependent uses within the harborfront area. The construction of The Beacon Institute pier will not only provide dockage for The Beacon Institute's research vessels but also will encourage docking of visiting research vessels. The Red Barn will be used as part of the boat building and sailing school classroom. The Hudson Fisheries Trust proposed museum barge could attract other water-dependent uses. Long Dock Beacon project offers a wide variety of water-dependent uses.

- *Protect, preserve and restore fish and wildlife resources and their habitats (Policies 7, 8 and 8A).*

This HMP suggests the City upgrade its sanitary waste facility and stormwater control devices to minimize associated impairments to the surface waters. Also, the HMP suggests the establishment of a water chestnut control program be implemented to enhance the reestablishment of native submerged aquatic vegetation.

- Improve public access to the water for fishing and passive recreation uses through the acquisition of land and/or easements on the Hudson between Long Dock peninsula and Denning's Point and on the bank of the Fishkill Creek (Policy 9A).

Long Dock Beacon and The Beacon Institute both include projects that will improve public access to the waterfront. These projects include riverfront access for launching of non-motorized boats, interconnecting trails for passive recreational uses and public fishing piers.

- Maintain and improve public access to the shoreline and to water-related recreational resources, while protecting natural and historic resources and adjacent land uses (Policy 19).

Both Long Dock Beacon and The Beacon Institute include improved public access to the shoreline, provide a means of creating water-related recreational resources, and maintain, when possible, natural and historic resources. Scenic Hudson's Red Barn will become part of Long Dock Beacon's improvement and will serve as a location for a boat building classroom. Scenic Hudson and Dia's Beacon Point public artwork by George Trakas provides access to the river and its views. The former Denning's Point Brick Work building and former Noesting Pin Ticket Company building will be renovated and used by The Beacon Institute.

- Restore water access to the Beacon Riverfront to enable larger vessels to dock in the harbor through a program of careful dredging and stabilization of the harbor (Policy 19C).

The Beacon Institute's pier will provide docking for their research vessels as well as visiting vessels, including the Clearwater. The amount of dredging required to accommodate The Beacon Institute's pier is dependent on the final location of the pier. Once the location is determined, it will be necessary to evaluate the best method of dredging and dredge material disposal.

Long Dock Beacon includes a floating dock on the western point of Long Dock peninsula to allow for excursion boats and other vessels to dock. The proposed location of the dock will require minimal dredging and if dredging is required, all protocols required by regulatory agencies will be addressed.

- Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water-related uses along the coast, provided that it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities (Policy 21).

This HMP discusses a wide variety of uses and facilities for Beacon Harbor. The future location of River Pool at the Riverfront Park and improvements to the accessway will increase the park's attractiveness and its capacity as an open space site. The Long Dock Beacon project will increase and promote water-dependent recreational uses such as fishing, walking and boating as well as

a recreational trailway connecting Long Dock peninsula with Denning's Point. The connection of the riverfront trail systems within the HMA, including the trail between Denning's Point and Madam Brett Park, will help in preserving the undeveloped valley floor along the Fishkill Creek for passive recreational uses. The Beacon Institute for Rivers and Estuaries long-term plan for Denning's Point includes the entire southern portion of the point to remain a passive park, with trail enhancements, on-site interpretation for visitors and habitat restoration.

- *Encourage the development of water-related recreational resources and facilities, as multiple uses, in appropriate locations within shore zone (Policy 22).*

The Long Dock Beacon project will provide a variety of water-related recreational resources and facilities as multiple uses on Long Dock peninsula. There will be a mixed use hotel and conference center and Scenic Hudson will develop approximately 16 acres of trails, pathways, a pier at Beacon Point with a public accessway and fishing access areas, enhanced and created wetlands, a day use launch for car-topped boats, lawns, meadow lands, and bird watching areas as well as other open space amenities.

Visitors to The Beacon Institute for Rivers and Estuaries will be able to participate in interactive learning opportunities that reveal the vital and dynamic world of estuaries. The entire southern portion of Denning's Point is to remain a passive park, with trail enhancements and maps, on-site interpretation for visitors, and habitat restoration.

The proposed Hudson Fisheries Trust barge will reconnect Hudson River communities with the history and lore of the working Hudson River. The barge will serve as a living museum and contain a series of learning stations with interactive exhibits and hands-on demonstrations.

- *Protect coastal waters from direct and indirect discharge of pollutants (Policies 30, 31, 32, 33, 34, 36 and 37).*

This HMP has identified and addressed two areas of concern for the direct and indirect discharge of pollutants into the Hudson River: the stormwater outfall located in the northeast corner of the harbor and the City's sewer main located along Fishkill Creek. This HMP suggests that both of these systems be upgraded as part of the harbor revitalization process.

- *Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35).*

The maintenance of safe navigation channels and berthing areas is essential to the revitalization of the City's harborfront area. This HMP has detailed several proposed projects for the revitalization of the harbor that will require some degree of dredging.

In order to ensure that any dredging of sediments within the harbor does not significantly interfere with the natural coastal processes to the lands adjacent to the harbor, it will be necessary to analyze sediment transport along the Hudson River. Overall sediment transport along the Hudson River has been well studied and documented; however, localized sediment deposition patterns in Beacon Harbor have not. Understanding sediment movement within the harbor is essential to the location and designing of any piers in Beacon Harbor.

One of the main impediments to maintenance dredging most often involves the disposal of dredged material. The presence of organic pollutants in Hudson River sediments such as PCB's, dioxins and polycyclic aromatic hydrocarbons (PAHs), is a major impediment to dredge spoil disposal. Prior to the commencement of any dredging, proper protocols required by all governing agencies, including testing of sediment for containments, grain size analysis and locating an appropriate disposal site, will need to be addressed.

- *Preserve and protect tidal and freshwater wetlands (Policy 44).*

None of the projects proposed in this HMP involves the encroachment onto any existing wetlands. However, The Beacon Institute will be preserving and restoring Denning's Point and the neighboring Fishkill Creek estuary area, and the redevelopment of Long Dock peninsula does include the enhancement of existing wetlands and the creation of new wetlands.

Chapter 33. HARBOR MANAGEMENT

[HISTORY: Adopted by the Council of the City of Beacon 11-6-1995 by L.L. No. 9-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Waterfront consistency review — See Ch. 220.

§ 33-1. Title.

This chapter shall be entitled "Harbor Management." It shall be entered in the City of Beacon Code of Ordinances as Chapter 33.

§ 33-2. Authority, intent and purpose.

- A. This chapter is enacted under the authority of § 10 of the Municipal Home Rule Law of New York State, the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, *Editor's Note: See Art. 42 of the Executive Law.* and applicable sections of the New York State Navigation Law.
- B. The intent of this chapter is to regulate the speed, use, operation, anchoring, and mooring of vessels, and the use of waters within the jurisdiction of the City of Beacon in a manner to protect and promote the public health, safety and general welfare.

§ 33-3. Applicability.

[Amended 3-7-2011 by L.L. No. 1-2011]

- A. This chapter shall apply to all waters within the jurisdiction of the City of Beacon, including the Fishkill Creek from the confluence with the Hudson River upstream to the South Avenue bridge and the waters of the Hudson River that are within a distance of 1,500 feet from the City's shoreline. These waters shall be known as the "City of Beacon Harbor Management Area."
- B. The Beacon Harbor Area Existing Surface Water Uses and Structures Map contained in the City's Harbor Management Plan *Editor's Note: Said map and plan are on file in the City offices.* identifies and establishes existing surface water uses, structures, mooring areas, the boat turning basin and the ferry navigational accessway.

§ 33-4. Definitions and word usage.

- A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED VESSEL

Any vessel not moored, anchored or made fast to the shore and left unattended for a period greater than 24 hours, or left upon private property adjacent to the Harbor Management Area without consent of the property owner, for a period greater than 24 hours.

AIDS TO NAVIGATION

All markers on land or in the water placed for the purpose of enabling navigators in the Harbor Management Area to avoid navigation hazards, regulatory markers and/or fix their position.

ANCHORAGE

Any water area designated for anchoring or mooring.

BOATHOUSE

Any building or similar superstructure used primarily for the storage and sheltering of watercraft, including such subordinate uses customarily incident to such primary use.

CHANNEL

Federal, state or locally designated water areas specifically reserved for unobstructed movement of vessels.

CITY COUNCIL

The City Council of the City of Beacon.

DOCK

Any dock, wharf, structure or fixed platform extending out over the water built on floats, columns, open timber, piles or similar open-work structures.

EMERGENCY

A state of imminent or proximate danger to life or property.

FAIRWAY

Any designated and/or maintained water area reserved for unobstructed movement of vessels, including an area at least 25 feet in width adjacent to both sides of the Federal Navigation Channel.

FEDERAL NAVIGATION CHANNEL

The designated navigation channel in the Hudson River authorized by an act of congress, specifically reserved for the unobstructed movement of vessels and which is marked in water by aids to navigation maintained by the United States Coast Guard.

FLOATING HOME

Any structure constructed on a raft, barge, hull or other platform and moored or docked in the Harbor Management Area and used primarily for single or multiple-family habitation or as the domicile of any individual(s).

HARBOR MANAGEMENT AREA

The area encompassing all waters designated by the Local Waterfront Revitalization Area within the jurisdiction of the City of Beacon, including Fishkill Creek from the confluence with the Hudson River upstream to the Wolcott Avenue Bridge and the waters of the Hudson River that are within a distance of 1,500 feet from the City's shoreline, and as depicted on the City's Official Harbor Management Map on file in the City Harbor Master's office. These waters shall be known as the "City of Beacon Harbor Management Area."

HARBOR MANAGEMENT LAW

This chapter of the City of Beacon establishing rules and regulations for the use and enjoyment of the waters of the City of Beacon Harbor Management Area and the lands immediately adjacent to the Harbor Management Area.

HARBOR MANAGER

That person appointed annually by the Mayor with the consent of the City Council who has full and primary responsibility and authority for implementing and enforcing all provisions of this chapter.

LITTER

Any bottles, glass, cans, scrap metal, junk, paper, garbage, rubbish, trash or similar refuse or human-generated or human-deposited debris.

MOORING

The attachment of or to attach a vessel to a pier or dock or other structure or the attachment of or to attach a vessel to the ground by means of tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator. The term "mooring" shall also include the placing of a boat at anchor for more than 12 hours consecutively.

PERSONS

Individuals, corporations, societies, associations, and partnerships using the facilities and areas within the Harbor Management Area.

PUMP-OUT FACILITY

A facility for pumping sewage from vessel holding tanks and other devices and containing those wastes before proper disposal into the City of Beacon sewage system.

STATE

The State of New York.

TRANSIENT BOATERS

Persons traveling into the Harbor Management Area by boat and staying for a temporary period of time.

UNDERWAY

The condition of a vessel not at anchor and not made fast to the shore or ground.

VESSEL

Every floating device used or capable of being used as a means of transportation on water.

B. Word usage. "Shall" is mandatory; "May" is permissive.

§ 33-5. Severability; conflicts; penalties; liability.

A. Invalidity of provisions. Should any provision of this chapter be held invalid or inoperative, the remainder shall continue in full force and effect.

B. Conflict with other laws. In any case where a provision of this chapter is found to be in conflict with any other local provision, the article setting the higher standard in promoting the general public welfare shall be used.

C. Enforcement. Authorized public servants of the City as designated by the Mayor with consent of the City Council, the City Police Department, the State Police, the Dutchess County Sheriff's Department, and any other police or peace officer as defined in the New York State Criminal Procedure Law shall have authority to enforce the provisions of this chapter.

D. Penalties for offenses. *Editor's Note: See also § 33-14.*

(1) A person who violates any of the provisions of or fails to comply with any conditions imposed by this chapter shall have committed a violation, punishable

by a fine not exceeding \$350 for a conviction of a first offense and punishable by a fine of \$700 for a conviction of a second or subsequent offense occurring within a period of five years. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

- (2) The City Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

E. Liability. Persons using the waters within the limits of the Harbor Management Area shall assume all risk of personal injury and loss or damage to their property. The City of Beacon assumes no risk on account of accident, fire, theft, vandalism or acts of God.

§ 33-6. Building permit required; exemptions; nontransferability.

Except as otherwise provided in this chapter, no person shall place, locate, construct, maintain, expand or use any dock, pier, boathouse, structure or mooring buoy in any waters within the Harbor Management Area without a building permit issued in accordance with this chapter, the City of Beacon Zoning Ordinance, and any other applicable local laws. Docks, piers, boathouses, or other structures under 200 square feet in area shall be exempt from the requirement for a building permit but shall comply with all other provisions of this chapter, the City of Beacon Zoning Regulations, and any other applicable local laws. Failure to comply with this section is a violation of this chapter. These permits are not transferable.

§ 33-7. Office of Harbor Manager.

[Amended 3-7-2011 by L.L. No. 1-2011]

- A. Establishment. The office of the City Harbor Manager may be established by the Mayor with the consent of the City Council. If established, the Mayor, with the consent of the City Council, shall appoint a Harbor Manager on an annual basis.
- B. Powers and duties. It shall be the duty of the Harbor Manager, or other public officer of the City so appointed by the Mayor with the consent of the City Council, to enforce the provisions of this chapter. The Harbor Manager or the Harbor Manager's designee, or other public officer of the City so appointed, shall:
 - (1) Examine all applications for all permits and issue permits only for construction and uses therein in accordance with the requirements of this chapter and also other laws, rules and regulations of the City enforced at the time of application.
 - (2) Create a mooring permit system to control the placement of moorings in the harbor.
 - (3) Establish a permanent management structure for harbor activities, operations and implementation actions consistent with the provisions of the City's Local Waterfront Revitalization Program and Harbor Management Plan.

§ 33-8. Permit applications and procedures.

- A. Form and content of application. In any instance in which a permit is required by this chapter, an applicant shall submit an application on a form prescribed by the Harbor

Manager or other public officer of the City so appointed. The application is hereby submitted with a fee as set forth in the City of Beacon fee schedule, *Editor's Note: The fee schedule is on file in the City offices.* accompanied by a plot plan drawn to scale, adequately dimensioned, showing the location of all existing docks, piers, boathouses, structures, mooring buoys, aids to navigation, abandoned vessels, anchorage areas, navigation channels or fairways. The applicant shall provide such other information as the Harbor Manager may require, including but not limited to filings with or permits from federal, state, City or county authorities, description of the manner of construction and installation, the materials to be used, evidence of ownership or possessory right, by easement, license, right-of-way or other, regarding the abutting shoreline and grant or leases pursuant to Article 6 of the Public Lands Law of the State of New York, regarding lands under water.

[Amended 7-6-2010 by L.L. No. 10-2010]

B. Issuance of permit. If the proposed activity conforms to all requirements of this chapter and does not impair navigational safety or unreasonably restrict public or private access to, on and within navigable waters within the Harbor Management Area, the Harbor Manager, or other public officer of the City so appointed, shall issue a permit for a one-year period commencing upon approval of the permit.

C. Beacon Ferry Pier.

[Added 7-2-2007 by L.L. No. 10-2007]

- (1) Scheduling. The scheduling of all tour boat berthing and departure times, dock usage and tourism-related events shall be through the Office of the City of Beacon Harbor Manager or City Administrator. Such scheduling will be on first-come, first-served basis and as determined by the City of Beacon.
- (2) General. The Harbor Manager or City Administrator and owner shall enter into a hold-harmless agreement with the City of Beacon and provide the necessary insurance certificates and registration/docking fees at the time of the scheduling of the usage of the dock.
- (3) Insurance. General liability and property damage shall name the City of Beacon. The policy shall be in a form acceptable to the City of Beacon. Coverage shall be as follows:
 - (a) For boats under 100 feet, \$1,000,000 aggregate and \$500,000 per occurrence.
 - (b) For boats over 100 feet, \$2,000,000 aggregate and \$1,000,000 per occurrence.
- (4) Fees and deposits. Such fees shall be placed in a separate account to be established as a specific repository for these fees. These fees shall be as set forth in the City of Beacon fee schedule. *Editor's Note: The fee schedule is on file in the City offices.*

[Amended 7-6-2010 by L.L. No. 10-2010; 3-7-2011 by L.L. No. 1-2011]

- (a) Permit registration fee.
- (b) Security deposit.

[1] The annual security deposit shall be paid in cash or certified check at the time of the agreement.

[2] This deposit will be returned at the end of each season subject to Subsection C(4)(b)[3] immediately below.

[3] The purpose of this deposit is to assure that the dock and surrounding waterways are kept undamaged and clean of debris from the boat operation or boaters at all times when the boat is docked and upon arrival or departure of the boat. If damage or debris is found on the dock or around the waterway of the boat, and it is determined by the Harbor Manager that such damage or debris is because of the subject boat or boaters, this deposit will be used to repair and/or clean up the dock and waterway as necessary and will be nonrefundable.

[4] Nothing contained herein shall prevent the City from charging the owner and/or operator of the boat such additional fees as are incurred by the City to clean up or repair the dock and waterway as determined necessary in the Harbor Manager's sole discretion.

(c) A dock fee shall also be collected.

- (5) Site verification. Prior to entering the harbor area and the slipway leading to the ferry dock from the Hudson River, the Harbor Manager or City Administrator and owner shall physically visit the site, examine all existing conditions, including but not limited to verifying the water depth, checking for underwater obstructions, checking the width and length of the slipway approach, checking the berthing conditions, and checking all other conditions that will affect the operation of the boat during berthing and departure. The Harbor Manager or City Administrator and owner shall perform the site verification work prior to entering into the hold-harmless agreement with the City of Beacon. By signing the hold-harmless agreement, the Harbor Manager or City Administrator and owner state that they accept the docking conditions found and hold the City of Beacon harmless from all injuries and damages resulting therefrom.
- (6) No person shall cause any barge, boat, ship or other vessel to be made fast to the public dock known as "Beacon Ferry Pier" or to be made fast to any ship or vessel lying at such dock without first obtaining a permit pursuant to this section.
- (7) The application as referred to in Subsection A of this section must be submitted to the office of the City Administrator at least two weeks prior to the date when the dock is sought to be used. The Harbor Manager or City Administrator shall have the discretion to approve or disapprove a permit or to subject the permit to such conditions as he deems necessary to protect the public health, safety, convenience and welfare.
- (8) Each permit issued by the Harbor Manager or City Administrator shall state the date and time that the use of the dock is permitted. No permittee shall utilize the dock outside of the time set forth in his permit unless the Harbor Manager or City Administrator shall, in his discretion, approve of an extension of the permit for good cause shown. Any such extension shall be made in writing and endorsed upon the original permit.

- (9) Any person in charge of a vessel docking at the Beacon Ferry Pier shall exhibit the permit required by this section to any person so requesting.

§ 33-9. Vessel operation.

A. Dangerous operation prohibited. No person shall operate any vessel in any manner that unreasonably interferes with the free and proper use of the Harbor Management Area or any property on, in or contiguous to the Harbor Management Area, or which endangers the users of the Harbor Management Area.

B. Identification.

- (1) No person shall operate or permit the operation of a vessel within the Harbor Management Area unless such vessel is required by law to be registered and numbered and bears a current validation sticker in accordance with the provisions of the New York State Vehicle and Traffic Law, if so required.
- (2) Every person operating a registered vessel shall, upon demand of any peace officer, federal officer or other person having authority to enforce the provisions of this chapter, produce the certificate of registration for inspection. Failure to produce the certificate of registration shall not be an offense, but shall be presumptive evidence of operating a vessel which is not registered as required by the New York State Vehicle and Traffic Law.

C. Vessel speed and restricted speed areas.

- (1) Every operator registered of a vessel shall at all times navigate the same in a careful and prudent manner in such a way as not to unreasonably interfere with the free and proper use of the navigable waters of the Harbor Management Area or unreasonably endanger any vessel or person. Reckless operation is prohibited as is operation under the influence of controlled substances.
- (2) No person shall operate a vessel within the Harbor Management Area at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- (3) No person shall operate a vessel within the Harbor Management Area at such a speed as to cause a dangerous wake. The operator of a vessel shall be held responsible for any damage caused by such wake.
- (4) No person shall operate a vessel within the Harbor Management Area at a speed in excess of five miles per hour or at a speed that will cause a dangerous wake, whichever is the lesser speed.

D. Mufflers. No person shall operate a power vessel without having the exhaust from the engine run through a muffling device, so constructed and used as to muffle the noise from the exhaust in a reasonable manner.

E. Vessel enforcement authority.

- (1) The City of Beacon Police Department, the State Police, the Dutchess County Sheriff's Department, and any other police or peace officer, as defined in the New York State Criminal Procedure Law, shall have the authority to enforce waterborne traffic in any part of the Harbor Management Area by use of

authorized regulatory markers, signals, orders or directions at any time when deemed necessary in the interest of the safety of persons and vessels or other property.

- (2) No person shall moor or anchor any vessel so as to interfere with the free and unobstructed use of any channel, fairway, or berthing space in the Harbor Management Area.

F. Anchoring in Federal Navigation Channel prohibited. No person shall anchor any vessel in the Federal Navigation Channel, except in cases of emergencies.

G. Fishing. No person shall fish in the Harbor Management Area in such a manner so as to impede navigation. Vessel-based fishing in a manner that provides a hazard or inconvenience to navigation is prohibited.

§ 33-10. Sanitation.

A. Littering and discharge of pollutants prohibited. No person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the Harbor Management Area any litter or other materials, including but not limited to any refuse or waste matter, sewage, petroleum products or by-products, paint, varnish, dead animals, fish parts or debris of any kind which renders the waters unsightly, noxious, unwholesome, or otherwise detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes.

B. Marine toilets. No person shall operate a marine toilet at any time so as to cause or permit to pass or be discharged into the Harbor Management Area any untreated sewage or other waste matter or contaminant of any kind pursuant to § 33-c of the New York State Navigation Law.

C. Responsibility for sanitation of facilities. The owner, lessee, agent, manager or person in charge of a marine facility or water area shall at all times maintain the premises under his/her charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste materials.

D. Marine facility sanitation requirements.

- (1) The owner or other person vested with the possession, management and control of a marine facility shall provide and maintain a sufficient number of trash receptacles for the deposit of litter at locations convenient to vessel users of such marine facilities. A maximum spacing of 100 feet between receptacles shall be maintained on all piers and docks. Failure to comply with this provision is a violation of this chapter.

- (2) The owner or other person vested with the possession, management and control of a marine facility shall maintain suitable toilet facilities on shore for the accommodation of vessel users who are patrons of their marine facility. Failure to comply with this provision is a violation of this chapter.

- (3) The owner or other person vested with the possession, management and control of a marine facility shall post a sign, clearly visible to vessel owners and operators, that states: "The Navigation Law of the State of New York provides strict penalties for the discharge of sewage in the waters of New York State. The

local laws of the City of Beacon prohibit the discharge of litter, sewage, and refuse within the Beacon Harbor Management Area." Failure to comply with this provision is a violation of this chapter.

- (4) Any sewage pump-out facility required as a condition of City, state or federal approval of a marine facility in the Harbor Management Area shall be maintained in proper working order and available for use as specified in City, state or federal permits. Failure to comply with this provision is a violation of this chapter.

§ 33-11. Removal of abandoned or derelict vessels and structures.

A. Abandoned vessels and structures prohibited. No person shall abandon, sink or place a vessel, mooring or other structure within the Harbor Management Area where it may constitute a danger to navigation or to the safety of persons or property, or where it may prevent optimum use of the area.

B. Removal of abandoned vessels and structures.

- (1) Any vessel or other structure abandoned or sunk or so placed may be removed or relocated at the direction of the Harbor Manager if corrective action is not taken by the owner, if known, within seven days after notification, or, if not known, after notice has been posted for that period on the vessel or object.
- (2) Nothing herein contained shall prevent the Harbor Manager from taking measures with or without notice, if, in its judgment, such measures are necessary in order to provide for the safety of persons or property. The expense of such removal or relocation and any liability from injury to person or property incurred thereby shall be the responsibility of the owner.

§ 33-12. Living aboard vessels.

A. Regulation of floating homes. In order to provide for adequate access for vessels, for the safety of persons and property, for the protection of environmental quality, and for the optimum use of the Harbor Management Area, the City Council or its designated agent(s) may regulate the use of floating homes in the Harbor Management Area.

B. Living aboard vessels permitted on temporary basis.

- (1) Sleeping aboard vessels on a temporary basis is allowed as a secondary use to the vessel's principal commercial or recreational uses, provided that the vessel is berthed at a marine facility and where consistent with all City, state and federal requirements concerning anchoring, lighting, taxation and other pertinent concerns, and provided that land-based support facilities and utilities, including sewage disposal facilities, are available.
- (2) Sleeping aboard vessels moored or anchored within the Beacon Harbor Management Area on a temporary basis, not to exceed two weeks, is allowed as a secondary use to the vessel's principal commercial or recreational uses where consistent with all City, state, and federal requirements concerning anchoring, lighting, taxation and other pertinent concerns. For purposes here, the term "moored" shall only refer to vessels that are attached to the ground by means of

tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

§ 33-13. Berthing, mooring and anchoring of vessels.

- A. Owner responsibility for secure berthing, mooring and anchoring. The owner of any vessel berthed, moored or anchored within the Harbor Management Area shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent the vessel from breaking away.
- B. Owner responsibility for damage. Each person anchoring or mooring a vessel in the Harbor Management Area shall be responsible for any damage to that vessel, or to any other vessel or any other property, caused by that vessel. The City of Beacon assumes no liability for personal injury or property damage that may result from the use of unsafe or otherwise inadequate anchoring or mooring tackle and assumes no risk on account of accident, fire, theft, vandalism or acts of God related to the anchoring or mooring of vessels in the Harbor Management Area.
- C. Locations for moorings. No person shall place a mooring or anchor such that the vessel moored or anchored, at full swing of its mooring or anchor line will be within 75 feet of the Federal Navigation Channel of the Hudson River, or within 25 feet of any City- or state-designated channel, fairway, or within 75 feet from any dock or other marine facility within the Harbor Management Area.
- D. Regulation of moorings. In order to provide for adequate access for vessels, for the safety of persons and property, for the protection of environmental quality, and for the optimum use of the Harbor Management Area, the City Council or its designated agent(s) may regulate the placement of all moorings in the Harbor Management Area in accordance with rules and procedures adopted by the Council.

§ 33-14. Penalties for offenses.

Editor's Note: See also § 33-5D.

- A. A person who violates any of the provisions of or who fails to comply with any conditions imposed by this chapter shall have committed a violation, punishable by a fine not exceeding \$350 for a conviction of a first offense and punishable by a fine of \$700 for a conviction of a second or subsequent offense occurring within a period of five years. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.
- B. The City Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 33-15. When effective.

This chapter shall take effect immediately upon its adoption by the City Council, approval by the New York State Secretary of State pursuant to Article 42 of the New York State

Executive Law and its filing with the New York State Department of State in accordance with the provisions of the Municipal Home Rule Law.

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Appendix D New York State Department Of State Coastal Management Program - Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect

I. Purposes of Guidelines

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. Definitions

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

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

III. NOTIFICATION PROCEDURE

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

IV. Local Government Review Procedure

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the

state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

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

V. Resolution of Conflicts

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
 - 3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

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4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations~
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

Direct Actions

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

Permit and License Actions

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator than will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the

program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

Financial Assistance Actions

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.