

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

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of 1990 (Executive Law, Article 42) and its implementing regulations (6 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 Implementation has been obtained in accordance with the 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, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, Albany, New York 12231-0001.



CITY OF BEACON NEW YORK

CLARA LOU GOULD, Mayor

ROBERT T. FRANKEL, Commissioner of Accounts

JOSEPH GUARNERI, Commissioner of Finance

JOHN F. McELDUFF, Commissioner of Public Safety

ALBERT C. ROMANELLI, Commissioner of Public Works

ANTHONY L. PAGONES, City Judge

October 29, 1991

Hon. Gail S. Shaffer
Secretary of State
New York State Department of State
162 Washington Avenue
Albany, New York 12231-0001

Dear Secretary Shaffer:

The City of Beacon City Council formally adopted its final Local Waterfront Revitalization Program (LWRP) on October 21, 1991. This action was taken after having completed all environmental review procedures in accordance with the State Environmental Quality Review Act (SEQRA) and having addressed review comments received pursuant to Article 42 of the New York State Executive Law. Attached is a copy of the resolution passed by the City Council in adopting the LWRP and the SEQRA Findings Statement.

As the Mayor of the City of Beacon and on behalf of the entire City, I respectfully request your consideration and approval of the Beacon Local Waterfront Revitalization Program pursuant to Article 42 of the New York State Executive Law.

Sincerely,

CITY OF BEACON

CLARA LOU GOULD, MAYOR

CLG:vlc
Enclosure

**RESOLUTION ADOPTING AND IMPLEMENTING
THE CITY OF BEACON
LOCAL WATERFRONT REVITALIZATION PLAN**

Resolution offered by Councilman Mayor Gould

WHEREAS, the City of Beacon has been working on its Local Waterfront Revitalization Plan (L.W.R.P.) for many years; and

WHEREAS, a draft Local Waterfront Revitalization Plan (D.L.W.R.P.) has been prepared under the guidance of the City's Waterfront Commission, with the assistance of Fitzroy Collins and Jeffrey Beach of the New York State Department of State; and

WHEREAS, the City has also been considering the enactment of a number of laws and regulations to implement the L.W.R.P., including:

(1) Proposed Local Law "A" of 1991 entitled "Consistency Review Procedure for Implementing the City of Beacon Local Waterfront Revitalization Program."

(2) Proposed Local Law "B" of 1991 entitled "Architectural Design and Review Law".

(3) Proposed Local Law "C" of 1991 entitled "Historic Preservation."

(4) Proposed Local Law "D" of 1991 entitled "A local law establishing a 'Waterfront Park' Zone and a 'Waterfront Development' Zone in the City of Beacon."

(5) Proposed Local Law "E" of 1991 entitled "A local law amending

the City of Beacon Zoning Law provisions regarding development in flood-prone areas and lots under water or subject to flooding"; and

(6) Proposed Local Laws "F" through "Z" of 1991, which change the zoning of various parcels of land; and

WHEREAS, the City has also been considering a resolution continuing the establishment of the City Waterfront Commission; and

WHEREAS, a Draft Environmental Impact Statement (D.E.I.S.) was prepared concerning the entire action, including the proposed Local Waterfront Revitalization Program and the proposed local laws and regulations to implement same in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law; and

WHEREAS, the D.L.W.R.P. and the D.E.I.S. were referred to appropriate local, county, State, and Federal agencies in accordance with State and Federal requirements; and

WHEREAS, a public hearing was duly advertised and held on September 3, 1991 and continued on September 9, 1991 to receive and consider comments on the D.L.W.R.P., the D.E.I.S., and the proposed local laws and regulations to implement the Plan; and

WHEREAS, a Final Environmental Impact Statement (F.E.I.S.) was prepared and accepted by the City Council on October 7, 1991 which was filed and distributed in accordance with law; and

WHEREAS, each of the proposed local laws have been in their final form and in the possession of each member of the City Council for at least seven days, exclusive of Sunday; and

WHEREAS, the Board has reviewed the proposed S.E.Q.R. Findings Statement attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

(1) The City Council hereby adopts the S.E.Q.R. Findings Statement attached hereto and directs the Mayor to execute the Findings Certification thereon.

Resolution Seconded by Councilman Albert Romanelli

CLERK: I will hereby call the roll for the vote, recording the names and actual vote of each member of the City Council in the minutes.

Mayor Clara Lou Gould:	<u>Aye</u>
Councilman Joseph Guarneri, Jr.:	<u>Absent</u>
Councilman Robert Frankel:	<u>Aye</u>
Councilman Albert Romanelli:	<u>Aye</u>
Councilman John McElduff:	<u>Aye</u>

CLERK: There being 4 votes in favor of the resolution and 0 votes against, the resolution is hereby declared adopted by the City Council of the City of Beacon.

AND BE IT FURTHER RESOLVED:

(2) The City Council hereby adopts the Local Waterfront Revitalization Plan, as clarified by minor changes in text as suggested by agency comments, which changes are specified in the Final Environmental Impact Statement and

recited in the findings.

Resolution Seconded by Councilman Albert Romanelli

CLERK: I will hereby call the roll for the vote, recording the names and actual vote of each member of the City Council in the minutes.

Mayor Clara Lou Gould:	<u>Aye</u>
Councilman Joseph Guarneri, Jr.:	<u>Absent</u>
Councilman Robert Frankel:	<u>Aye</u>
Councilman Albert Romanelli:	<u>Aye</u>
Councilman John McElduff:	<u>Aye</u>

CLERK: There being 4 votes in favor of the Local Waterfront Revitalization Plan and 0 votes against, the proposed Local Waterfront Revitalization Plan is hereby declared adopted by the City Council of the City of Beacon.

AND BE IT FURTHER RESOLVED:

(3) The City Council hereby adopts Local Law "D" of 1991 entitled "A local law establishing a 'Waterfront Park' Zone and a 'Waterfront Development' Zone in the City of Beacon."

The City Council has fully deliberated on the recommendations of the Dutchess County Planning Department, and consulted with our own planning consultant, and has previously adopted, on October 7, 1991, a Final Environmental Impact Statement (F.E.I.S.) which fully describes the City Council's reasons for deciding to proceed to adopt the text of this law as originally proposed, which provisions of the F.E.I.S. are hereby incorporated by reference.

The City Council notes that it shares the concerns expressed by the

Dutchess County Planning Department regarding protection of water quality, furtherance of public access and visual impact considerations. However, the City Council has chosen a different, but equally valid and more effective method of accomplishing these goals, by controlling development through a special permit and retaining that authority in the City Council. This method will encourage innovative designs while retaining strict control by the City.

The City Council directs that the mayor forward a copy of this resolution, and the S.E.Q.R. findings to the Dutchess County Planning Department. A copy of the F.E.I.S. has already been filed with that department.

Resolution Seconded by Councilman Albert Romanelli

CLERK: I will hereby call the roll for the vote, recording the names and actual vote of each member of the City Council in the minutes.

Mayor Clara Lou Gould:	<u>Aye</u>
Councilman Joseph Guarneri, Jr.:	<u>Absent</u>
Councilman Robert Frankel:	<u>Aye</u>
Councilman Albert Romanelli:	<u>Aye</u>
Councilman John McElduff:	<u>Aye</u>

CLERK: There being 4 votes in favor of the local law and 0 votes against, the proposed local law is hereby declared adopted by the City Council of the City of Beacon.

AND BE IT FURTHER RESOLVED:

(4) The City Council hereby adopts the following local laws and a resolution:

(1) Local Law "A" of 1991 entitled "Consistency Review

Procedure for Implementing the City of Beacon Local Waterfront Revitalization Program."

(2) Local Law "B" of 1991 entitled "Architectural Design and Review Law."

(3) Local Law "C" of 1991 entitled "Historic Preservation."

(4) Local Law "E" of 1991 entitled "A local law amending the City of Beacon Zoning Law provisions regarding development in flood-prone areas and lots under water or subject to flooding."

(5) Local Law "F" of 1991 entitled "A local law changing the zoning of certain properties from Heavy Industrial to Light Industrial."

(6) Local Law "G" of 1991 entitled "A local law changing the zoning of certain properties from R1-20 to Waterfront Park."

(7) Local Law "H" of 1991 entitled "A local law changing the zoning of certain properties from Heavy Industrial to Waterfront Park."

(8) Local Law "I" of 1991 entitled "A local law changing the zoning of certain properties from Heavy Industrial to Waterfront Development."

(9) Proposed Local Law "J" of 1991 entitled "A local law changing the zoning of certain properties from Light Industrial to Waterfront Park."

(10) Local Law "K" of 1991 entitled "A local law changing the zoning of certain properties from Light Industrial to Waterfront Development."

(11) Local Law "L" of 1991 entitled "A local law changing the

zoning of certain properties from General Business to Light Business."

(12) Local Law "M" of 1991 entitled "A local law changing the zoning of certain properties from RD-3 to Light Business."

(13) Local Law "N" of 1991 entitled "A local law changing the zoning of certain properties from RD-3 to RD-6."

(14) Local Law "O" of 1991 entitled "A local law changing the zoning of certain properties from Heavy Industrial to Light Industrial."

(15) Local Law "P" of 1991 entitled "A local law changing the zoning of certain properties from R1-20 to R1-40."

(16) Local Law "Q" of 1991 entitled "A local law changing the zoning of certain properties from R1-40 to Light Industrial."

(17) Local Law "R" of 1991 entitled "A local law changing the zoning of certain properties from Light Industrial to R1-40."

(18) Local Law "S" of 1991 entitled "A local law changing the zoning of certain properties from RD-3 to R1-10."

(19) Local Law "T" of 1991 entitled "A local law changing the zoning of certain properties from RD-3 to R1-40."

(20) Local Law "U" of 1991 entitled "A local law changing the zoning of certain properties from RD-3 to R1-7.5."

(21) Local Law "V" of 1991 entitled "A local law changing the zoning of certain properties from RMF-1.5 to R1-7.5."

(22) Local Law "W" of 1991 entitled "A local law changing the

zoning of certain properties from RD-3 to Light Industrial."

(23) Local Law "X" of 1991 entitled "A local law changing the zoning of certain properties from Light Industrial to R1-7.5."

(24) Local Law "Y" of 1991 entitled "A local law changing the zoning of certain properties from RMF-1.5 to RD-3."

(25) Local Law "Z" of 1991 entitled "A local law [changing the zoning of certain properties from LB to RD-3."

(26) A resolution which will continue the establishment of the City "Waterfront Conservation and Development Commission."

AND BE IT FURTHER RESOLVED, that each of said laws shall now be designated by its proper number by the City Clerk and the Clerk is directed to post and file copies of these local laws and take any other necessary steps to effect the same.

Resolution Seconded by Councilman Albert Romanelli

CLERK: I will hereby call the roll for the vote, recording the names and actual vote of each member of the City Council in the minutes.

Mayor Clara Lou Gould:	<u>Aye</u>
Councilman Joseph Guarneri, Jr.:	<u>Absent</u>
Councilman Robert Frankel:	<u>Aye</u>
Councilman Albert Romanelli:	<u>Aye</u>
Councilman John McElduff:	<u>Aye</u>

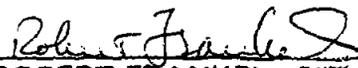
CLERK: There being 4 votes in favor of the local laws and resolution and 0 votes against, the proposed local laws are hereby declared adopted by the City Council of the City of Beacon.

CERTIFICATION

I, ROBERT FRANKEL, the duly qualified and acting City Clerk for the City of Beacon, Dutchess County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of a regular [adjourned] meeting of the City Council of the City of Beacon, held on the 21st day of October, 1991, and that the resolution set forth herein is a true and correct copy of the resolution of the City Council of said City adopted at said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said City, this 23rd day of October, 1991.


ROBERT FRANKEL, CITY CLERK

(seal)



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

GAIL S. SHAFFER
SECRETARY OF STATE

APR. 29 1992

Honorable Clara Lou Gould
Mayor
City of Beacon
City of Beacon Admin. Office
427 Main Street
Beacon Plaza
Beacon, New York 12508

Dear Mayor Gould:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the Local Waterfront Revitalization Program (LWRP) prepared by the City of Beacon. The City of Beacon is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gail S. Shaffer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Gail S. Shaffer

GSS:gn



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

DEPARTMENT OF STATE
COASTAL PROGRAMS

SEP 8 1992

SEP 11 1992

RECEIVED

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, N.Y. 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the City of Beacon Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Implementation (RPI) change. We received comments from five Federal agencies, none objecting to incorporating the LWRP as a RPI. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the City of Beacon after you publish notice of our approval.

Sincerely,

James R. Lawrence
for
Trudy Coxé
Director



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- Map 4 Proposed Land Use Development Plan (Map Pocket at End of Document)

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 comment 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.

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

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 Dennings 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 Dennings 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 in the Map Pocket at the end of the document.

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:

1. The Hudson Riverfront, including the Riverfront Park, Long Dock (partially used for water dependent industry), the largely vacant Dennings 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.

SECTION II
INVENTORY AND ANALYSIS

II. Inventory and Analysis

Inventory of Existing Conditions

- A. Existing Land Use and Development Patterns
- B. Existing Zoning
- C. Cultural Resources
- D. Physical Characteristics/Environmental Features

Issues and Opportunities

- A. Land Use and Development
- B. Fish and Wildlife
- C. Flood and Erosion Hazards
- D. Public Access
- E. Recreation
- F. Scenic Quality/Aesthetic Resources
- G. Water Resources
- H. Environmental Concerns

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.

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 Dennings 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.
- R1-75** 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 2½ 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 2½ 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-15** 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.

- (1) **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 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 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.

- (2) **R1-20** -- There were no changes proposed in the R1-20 zoned areas.
- (3) **R1-10** -- Under the pre-existing zoning, only the area to the west of South Avenue and along Dennings 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.

- (4) **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.

- (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.
- (6) **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.
- (7) **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.
- (8) **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.
- (9) **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 LI to R1-40) and the area on Dennings 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.

- (10) **HI** -- The "Heavy Industrial" zoning designation has been removed from all properties within the City's LWRP area as discussed in other sections.
- (11) **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.

Dennings 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 Dennings 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.

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 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
- Wiccopee 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 Groveville 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 proceeded by a 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, (Map 5) 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 shales of the Normanskill Formation. The Austin Glen member, comprised of graywackes, silt stones and black and gray shales, 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. Dennings 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 Dennings 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

1. Deteriorated and Underutilized Waterfront

Beacon's waterfront is similar to numerous 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.

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 reinstating 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

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 Garret 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. Dennings Point

The major undeveloped parcel of land along the City's waterfront is the 65 acre Dennings 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.

2. 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 specially 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, Dennings Point (approximately 60 acres). The future use of the property will have a great impact on the aesthetic and environmental quality of the area.

3. Transportation

a. Roadways

- (1) Beacon is accessible from I-87, which runs from north to south on the west side of the Hudson and from I-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 9D 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.

4. 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.

5. 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.

6. 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 Dennings 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

1. 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 has 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, provide 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 researches 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.

2. **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

1. 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 Dennings 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.

2. 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

1. 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 Dennings 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.

2. **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. (Dennings 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 Dennings Point and Long Dock, although serious safety issues exist which will have to be overcome.

3. **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 Dennings 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**

1. **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.

2. 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 Dennings Point.

F. SCENIC QUALITY/AESTHETIC RESOURCES

1. 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 III, 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
- f. Dennings Avenue at South Avenue
- g. Sargent Avenue at St. Lawrence Seminary
- h. South Avenue ¼ mile west of Dennings Avenue
- i. Paye Street
- j. River Street and Beekman Street
- k. Southwest view from Wolcott Avenue 200' west of Bayview Avenue
- l. West view from Wolcott Avenue 200' west of Bayview Avenue
- m. Northwst view from Wolcott Avenue 200' west of Bayview Avenue.

2. **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.

3. **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.

4. **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 exists 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 (HH-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

1. 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.

2. **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.

3. **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.

4. **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.

1. **Beacon Landfill**

In the late 1960's the City opened the Beacon City landfill on Dennings Road which through the years has been subject to improper coverings and illegal dumpings. 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.

2. **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.

3. **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 reusables. 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

III. Local Policies and Applicable State Policies

1. Development Policies
2. Fish and Wildlife Policies
3. Flooding and Erosion Hazard Policies
4. General Policies
5. Public Access Policies
6. Recreation Policies
7. Scenic Quality Policies
8. Agricultural Lands Policy
9. Energy and Ice Management Policies
10. Water and Air Resource Policies

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 STREETSAPES 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 DENNINGS 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 Dennings Point. Dennings 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 areas' 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 use 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 DENNINGS 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 DENNINGS 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 Dennings 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 include:

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 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 Dennings Point, a wooded, sand peninsula which shelters the area. Nearly all of the land area bordering Fishkill Creek, including Dennings 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, provide 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 Dennings 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 Dennings 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 RIVERFRONT 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 or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State 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:

- a. Access -- ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities -- all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities -- lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing 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 DENNINGS 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, birdwatching, 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 THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**
- 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 TRAILWAY.**
- POLICY 21D ESTABLISH A LINEAR RECREATIONAL PATH ALONG THE NARROW STRIP OF LAND WEST OF THE RAILWAY BETWEEN LONG DOCK AND DENNINGS POINTS.**
- POLICY 21E ESTABLISH LINEAR AND OPEN SPACE RECREATIONAL USES ON THE PERIMETER OF DENNINGS 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 Dennings 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 a 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 a 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 proceeded by a 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. DENNINGS AVENUE AT SOUTH AVENUE**
- 7. SARGENT AVENUE AT ST. LAWRENCE SEMINARY**
- 8. SOUTH AVENUE ¼ MILE WEST OF DENNINGS 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 north west 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 rubble 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

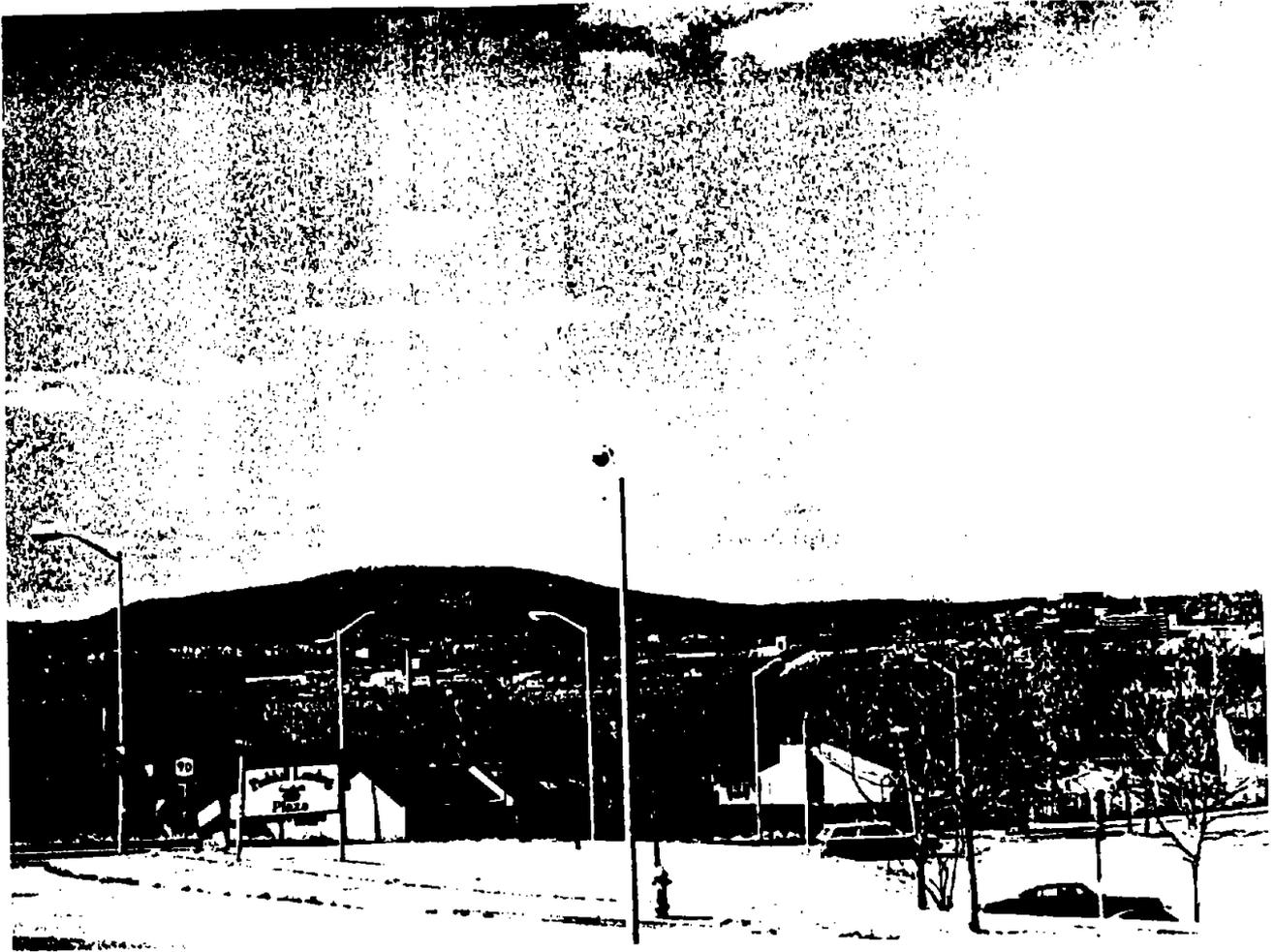
Moving south along Route 9D to the intersection of Route 9D and Rombout Avenue, the view is to the west. The foreground is dominated by the Reformed Church, its gazebo and graveyard. The roofs of Hammond Plaza Duplex condominiums form the middle ground. This is a fine example of siting and height which 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. Dennings 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 middleground 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.



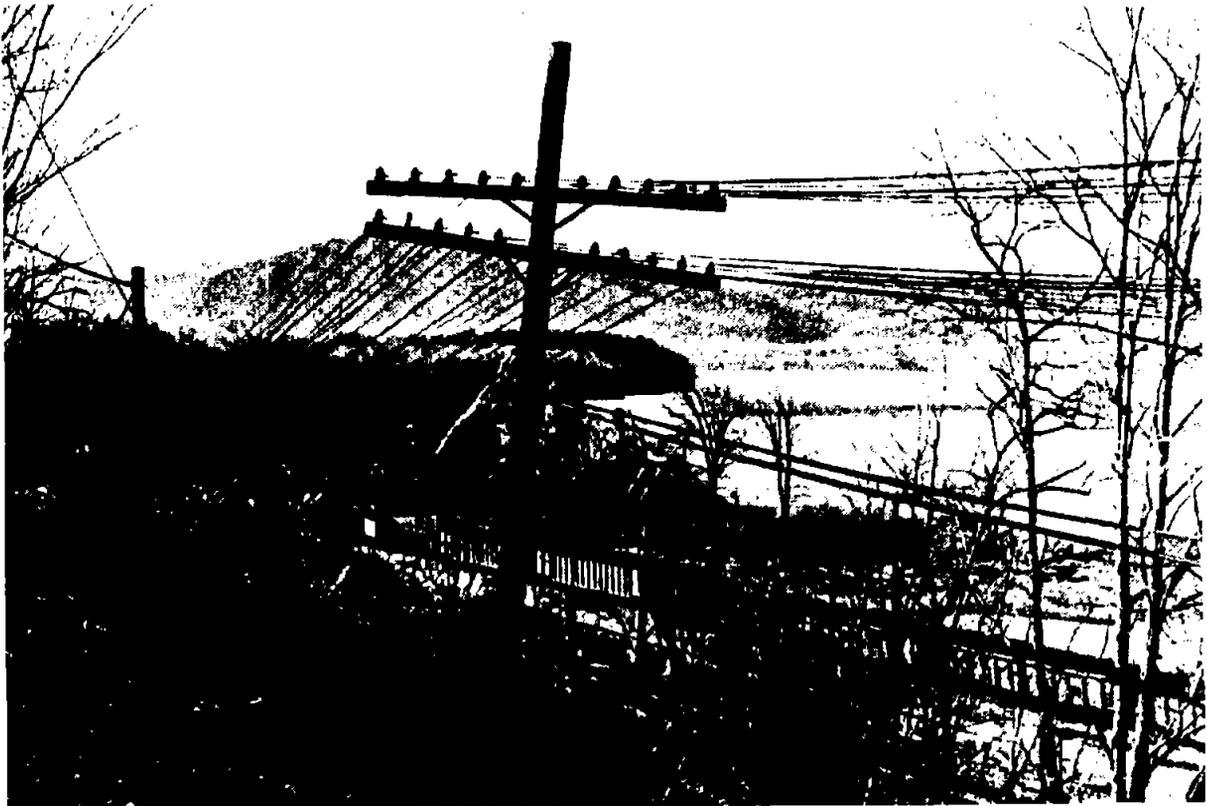
9. Paye Street

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 lies a marsh. To the west, the southern end of Dennings 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.



10. 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 Dennings 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.



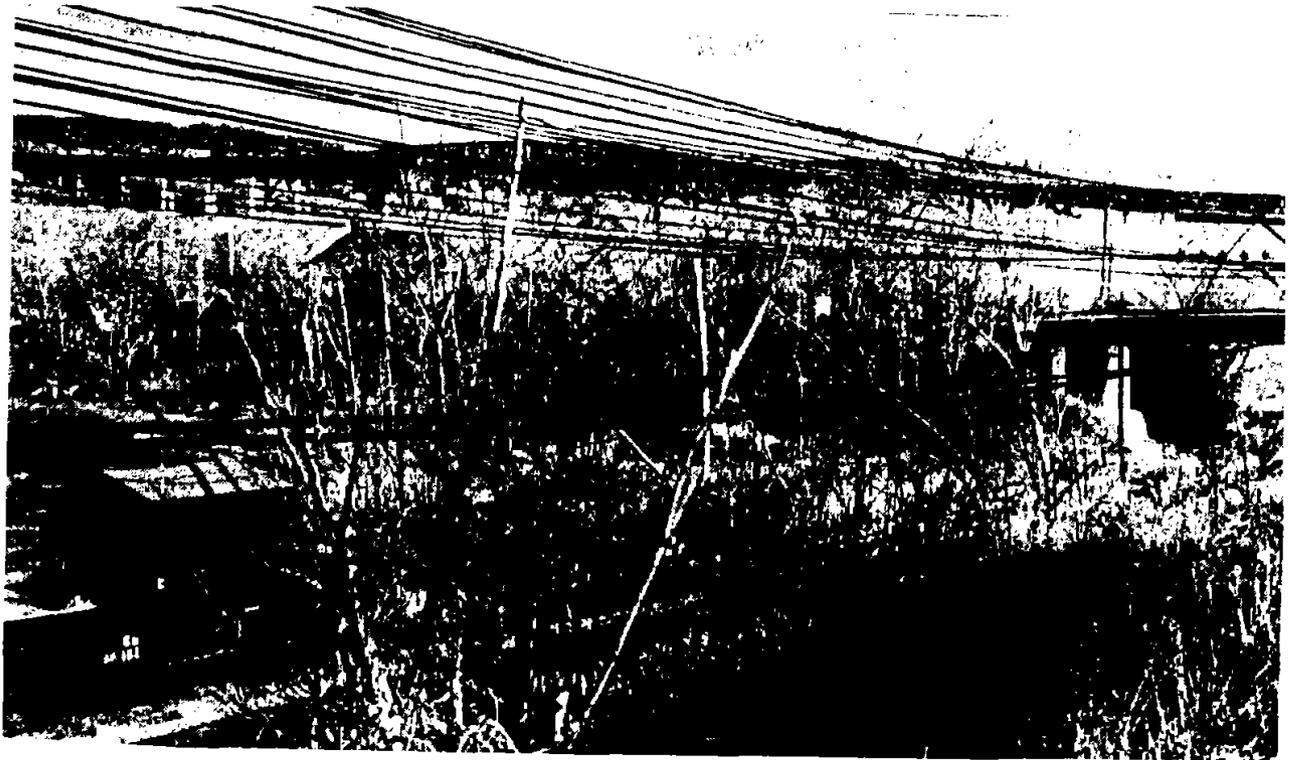
11. Southwest view from Wolcott Avenue 200' west of Bayview Avenue

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.



12. West view from Wolcott Avenue 200' 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.



13. 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 SEQRA and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of 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 DENNINGS 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 35C **RECLAMATION OF SPOILS SITES, INCLUDING LANDSCAPING SHALL BE CONDUCTED WHERE IT IS PRACTICAL TO DO SO.**

- 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 sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes 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 "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 fin 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-1), 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

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.

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 Riverfront Park and Dennings 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 Dennings 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. Dennings Avenue. There is one additional site that has been redesignated from "Light Industrial" to "Medium-Low". This area along Dennings 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 area west of South Avenue and south of Dennings 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 I-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 with 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 Loppers 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 Dennings Point.

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, Dennings 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 Dennings Point, connecting with Dennings 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. remain 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 I-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.

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 Dennings 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 to be 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 Dennings 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 Dennings 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, an engineering feasibility study should be commissioned.

SECTION V

**TECHNIQUES FOR LOCAL IMPLEMENTATION
OF THE LOCAL WATERFRONT REVITALIZATION PROGRAM**

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

A. Local Laws and Regulations Adopted to Implement the LWRP

1. Existing Land Use Policies and Regulations
 - a. 1974 Development Plan
 - b. 1981 Urban Renewal Plan
 - c. Zoning Regulations
 - d. Subdivision Regulations
 - e. City Environmental Quality Review Law
 - f. Flood Hazard Regulations
 - g. Local Law for Flood Damage Prevention
 - h. Waterfront Commission Regulations
2. Adopted New or Revised City Laws and Regulations
 - a. Revisions to the 1981 Urban Renewal Plan
 - b. Revisions to the Zoning Ordinance and Map
 - c. Adoption of Local Consistency Law
 - d. City Historic Preservation Law
 - e. Architectural Review Law

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

1. Local Government Actions
 - a. Allocation of Community Development Funds to the Coastal Area
 - b. City Utilization of Infra-Structure Funding to Provide Public Infra-structure as an Incentive for Private Development
 - c. Provision of In-Kind Services to Promote Private Projects
2. Private Actions
Development of Long Dock
3. Joint Public and Private Actions
Utilization of Hudson River Foundation Funding
4. Other Public Actions
State Freshwater Wetland Regulations

C. Management Structure to Implement LWRP

1. Primary Agency Responsible for Overall Management and Coordination of LWRP and Specific Responsibilities for Implementation and Management.
2. Procedure for Reviewing Local Actions for Consistency with LWRP
3. Procedures for Reviewing State Actions for Consistency with LWRP
4. Procedures for DOS and City of Beacon Review of Federal Actions for Consistency with the LWRP

D. Financial Resources Necessary to Implement the LWRP

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. Current 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 I-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 Route 9D realignment. 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:

(1) **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.

(2) **R1-20**

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

(3) **R1-10**

Under the previous zoning scheme, only the area to the west of South Avenue and along Dennings 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.

(4) **R1-7.5**

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.

(5) **RD-6**

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.

(6) **RD-3**

As described above, certain areas previously zoned RD-3 were 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.

(7) **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.

(8) **LB**

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.

(9) **LI**

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 Dennings Avenue, rezoned from LI to R1-10.

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.

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.

(10) **HI**

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

(11) **WD and WP - 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.

Dennings 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 Dennings 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.

- (1) 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.

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 means giving expert advise, 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 2A.

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

- (1) 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 with 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 SEQRA 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 either 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-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

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 (Diversions 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)
 - 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
- 3.00 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)

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York

3.03 Funding programs for rehabilitation and replacement of municipal bridges

- 3.04 Subsidies program for marginal branchlines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 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 sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.

- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
- 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, III, 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 Intermodal 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 Areawide 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 III 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**

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 its 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 Dennings 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

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
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/DEIS 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

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Fishkill Creek

Designated: November 15, 1987

County: Dutchess

Town(s): Fishkill, Beacon

7½' Quadrangle(s): West Point, NY

Score Criterion

- 16 Ecosystem Rarity (ER)
 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.
- 33 Species Vulnerability (SV)
 Concentrations of osprey (T) occur in the area regularly, and least
 bittern (SC) nesting.
 Additive division: $25 + 16/2 = 33$.
- 9 Human Use (HU)
 This area is a focal point for osprey research in the Hudson Valley,
 including attempts to establish a nesting pair.
- 9 Population Level (PL)
 Concentrations of osprey during migration are unusual in the lower
 Hudson Valley; concentrations of anadromous and resident fishes are
 unusual in Dutchess County.
- 1.2 Replaceability (R)
 Irreplaceable.

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X 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, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's 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 the significant coastal habitats 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, provide 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 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 (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 include but are not limited to the following:

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

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, 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 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.

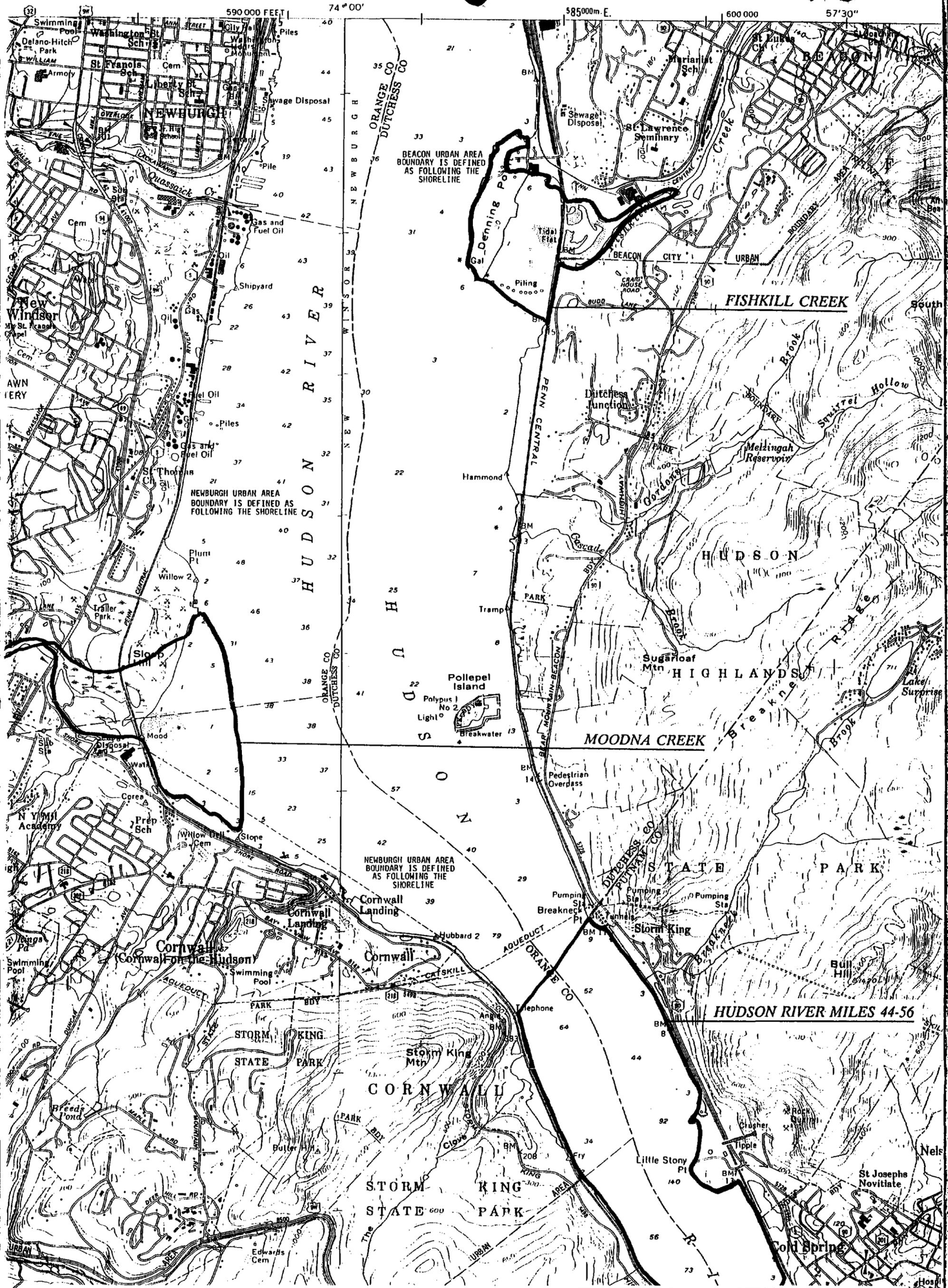
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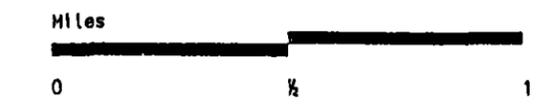
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SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Fishkill Creek / Moodna Creek (In part) / Hudson River Miles 44-56 (In part)

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



Prepared by T. Hart and G. Capobianco September 1980

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 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 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 occurs 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 Gordons 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 farming, 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 Fenimore 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 exists 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. A 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 contrasts 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 geomorphological 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; and
- (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 SCALES, FORMS AND MATERIALS TO ENSURE THAT 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 areas 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 sanitorium. 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

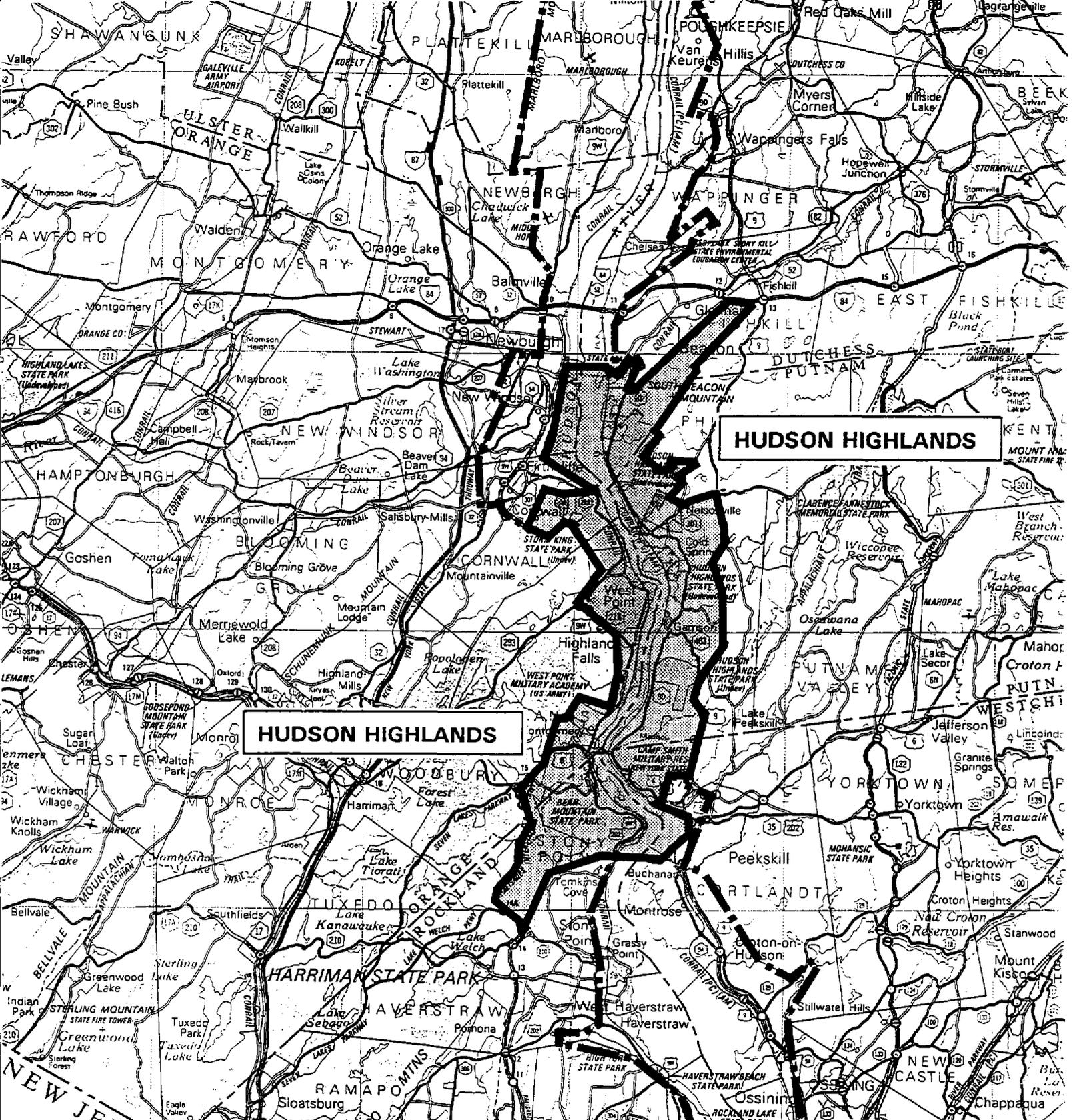
The land ownership pattern of large land holdings and low density development scattered throughout the subunit restricts public accessibility to the Dutchess Junction subunit. The subunit is accessible from NY Route 9D, local roads, and the Hudson River and is visible from the passenger trains that run 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.



HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE

 Scenic Area
  Coastal Area Boundary

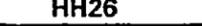
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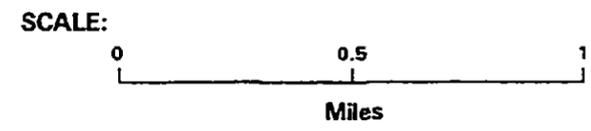
STATE OF NEW YORK DEPARTMENT OF STATE
DIVISION OF COASTAL RESOURCES AND WATERFRONT REVITALIZATION


 NOVEMBER 1992

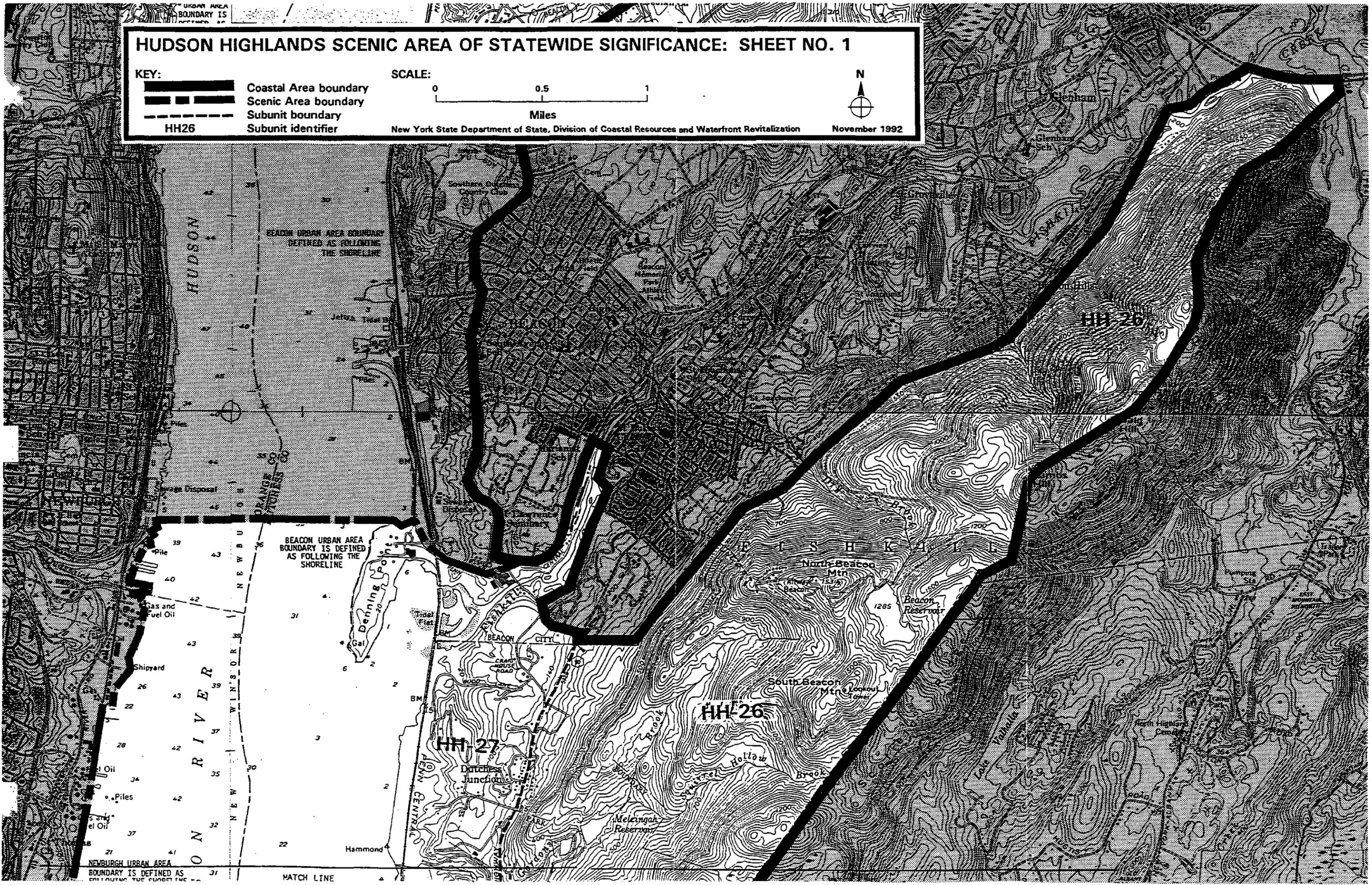
HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 1

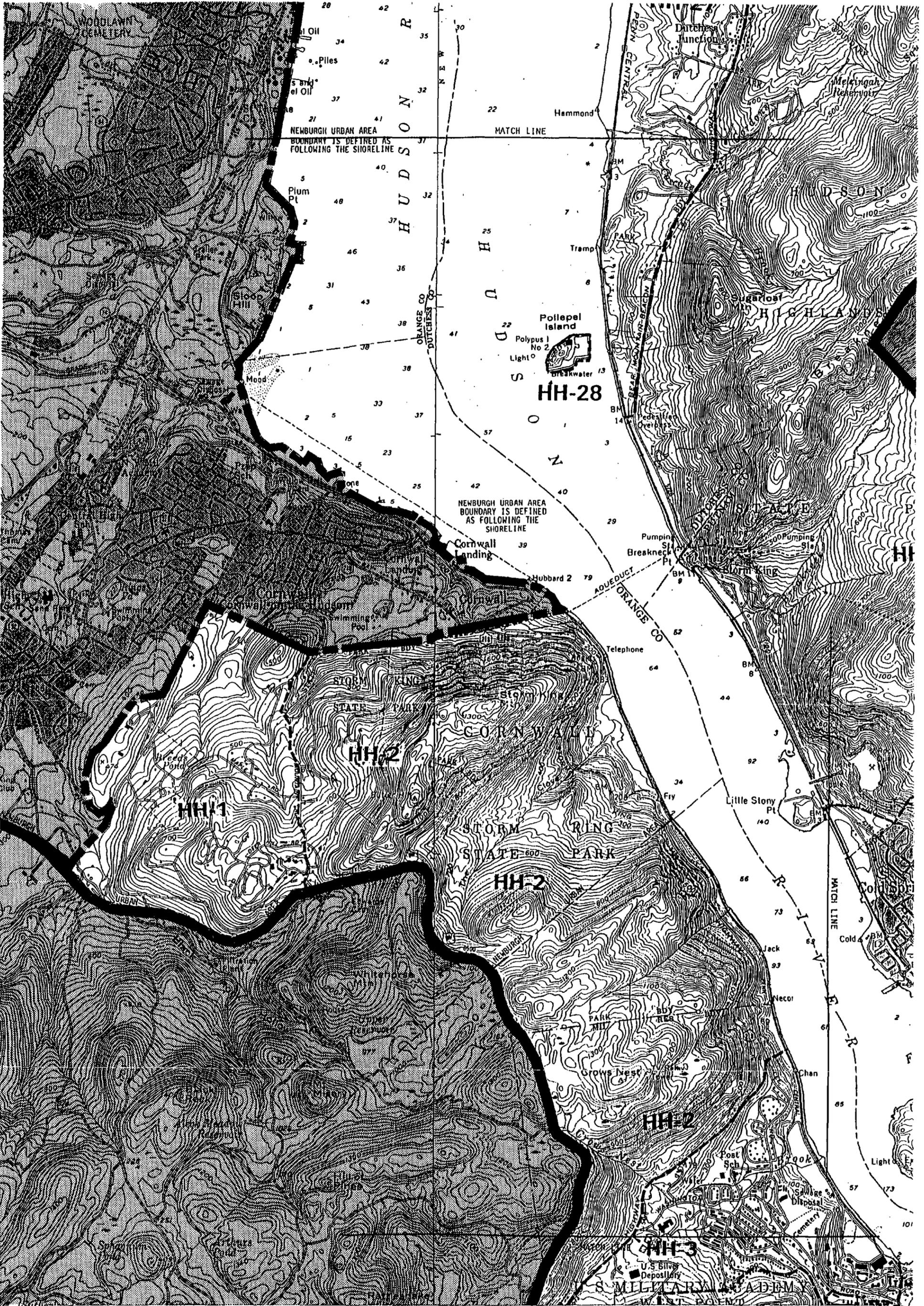
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-  Scenic Area boundary
-  Subunit boundary
-  Subunit identifier



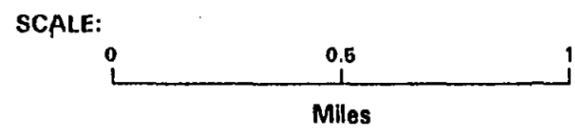
New York State Department of State, Division of Coastal Resources and Waterfront Revitalization
November 1992

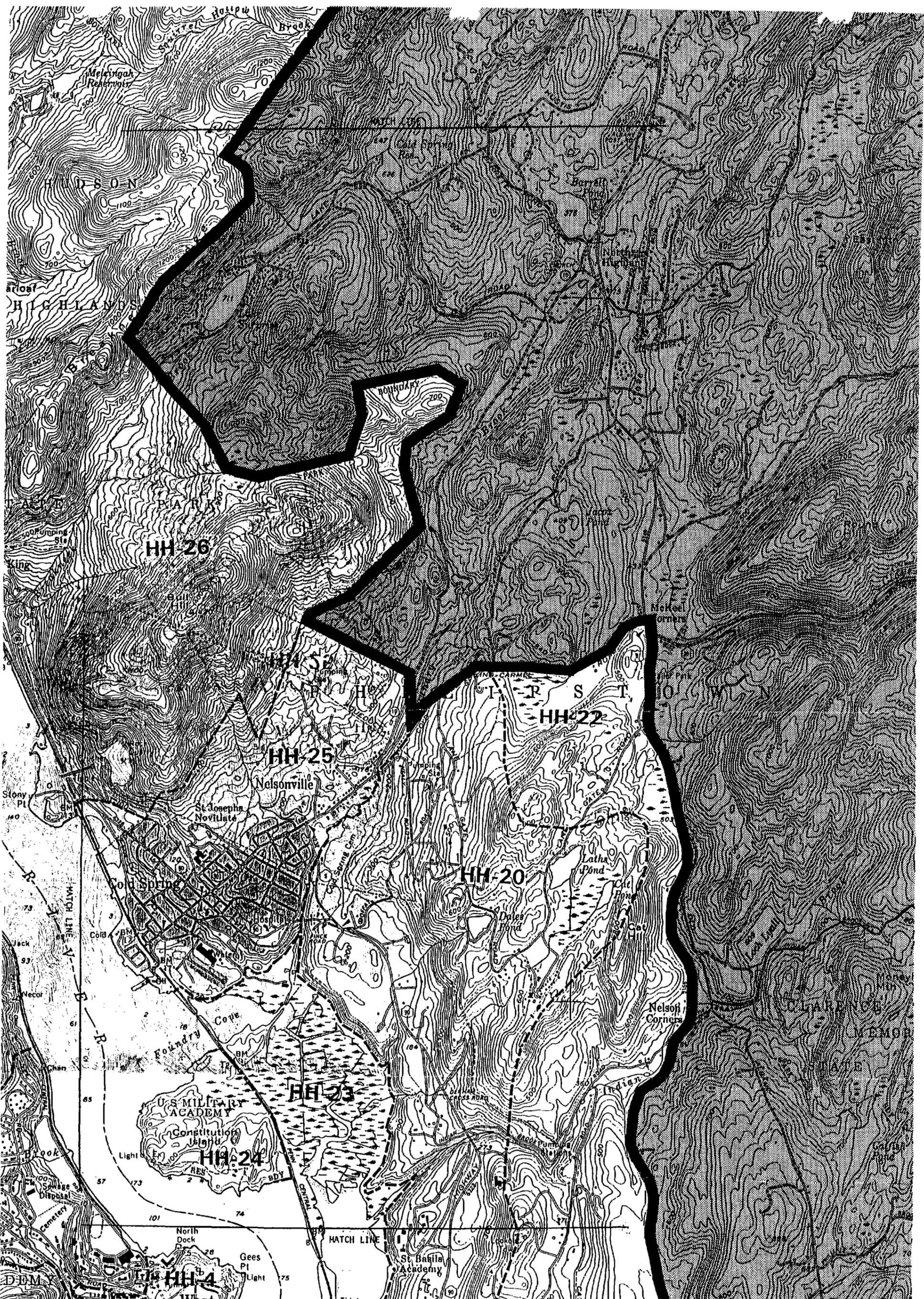




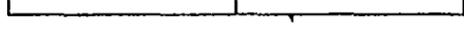
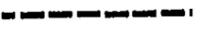
HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 2

- KEY:**
-  Coastal Area boundary
 -  Scenic Area boundary
 -  Subunit boundary
 -  Subunit identifier





HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE: SHEET NO. 3

KEY:		SCALE:		
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	Scenic Area boundary			
	Subunit boundary			
HH25	Subunit identifier	Miles		


 November 1992

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