

IV. PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

A. Proposed Land and Water Uses

The Land and Water Use Plan for the coastal area reflects the many policies established in Section III. The Plan designates land and water areas for those purposes most appropriate based on physical features, land-water relationship, land and water access, utility service, historical context and environmental significance. Map No. 6 illustrates the general concept of land use proposed for the waterfront area which is discussed below. Specific zoning legislation necessary to implement the land use concept is discussed in Section V, Techniques for Implementing the Program, and illustrated on Maps No. 7 and 7A.

1. Description of Proposed Uses

Seven general land use categories are proposed in the coastal area. These are not directly comparable to zoning districts but, rather, are descriptive of areas with similar characteristics and common features. The nature and location of each category is as follows.

a. Urban Area

This area, which encompasses the hamlets of Port Ewen, Sleightsburg and Connelly, presently includes a mixture of residential and commercial uses. It is the only area in Town served by both central sewer and water systems and is, therefore, where higher density development should be encouraged. Multi-family residential development, commercial uses and related facilities would be appropriate here in an urban setting. Current zoning generally reflects this development pattern although some minor adjustments may be appropriate to permit more flexibility in residential development.

b. Very Low Density Residential

The area along the river's edge, from the point where River Road turns inland south to include the Marist Brothers, contains 17 parcels. Six of these are over 100 acres in size and include several large institutional uses. The total coast line measures over four miles. Only one public road penetrates this area, extending perpendicularly to the river from Esopus hamlet. This is the largest single open space system in the Esopus coastal area. Development limitations are imposed by shallow or poorly drained soils and steep slopes. The area includes some significant landmark structures, landscaped grounds, orchards and natural escarpments plunging to the water's edge. It is an area of great beauty, providing vistas to the river and majestic views from the water and the eastern shore.

The plan designates this area for very low density residential use to maintain its present character. A basic density of one unit for each five acres is proposed. However, if development is clustered and natural open space maintained, density may be increased to one unit per acre upon approval of a special permit by the Planning Board. Additional appropriate uses of large existing structures (e.g. offices conference centers, research facilities) will be permitted to encourage their preservation, should present use change. Agricultural uses are also appropriate. Development guidelines will be established to minimize visual impact along the river shore and on other environmental features. New zoning regulations are required to implement this proposal (see Section V and Exhibit V-A).

c. Low Density Residential - (2.5)

This designation applies to one contiguous area, between River Road and the coastal boundary, extending from the water treatment plant south to the lower end of River Road. This area includes nine parcels of 40 acres or more and only one small cluster of smaller sites. Although it has no direct frontage on the river, it provides a 1.5 mile natural background to the more concentrated waterfront sites along River Road. The basic density in this area will be one housing unit for each 2.5 acres. With clustering, the density can be increased to one unit per acre. A greater density is allowed if public sewer and water are provided. Analysis of the visual impact and environmental concerns will be considered during review of development plans.

d. Low Density Residential - (1.0)

The existing R-40 residential zoning (which requires one acre per house) is considered appropriate here because one or more factors have already established the character of the area or preclude lower density development. These areas include the following:

1. The area from the Port Ewen hamlet south to the Port Ewen water plant which already is served by both public water supply and sewage disposal systems.
2. The area between River Road and the Hudson River (to the point where River Road turns inland) which is very narrow and includes many small parcels of land which are already developed.
3. The area on the south side of River Road, including Hudson Lane and properties fronting on Route 9W, which has some existing subdivisions of one acre lots. This area comes no closer than 1,000 feet to the river and, for the most part, is one-half mile distant.

4. The area south of Marist Brothers. Much of this is west of Route 9W and has limited visibility from the river. No single parcel along the river, from Marist Brothers to West Park is larger than 22 acres, and most are less than 10, thereby limiting the extent of any single development. South of West Park the topography is quite steep and the railroad runs along the water's edge, thereby, limiting direct access. The single largest parcel in this latter area, the Mother Cabrini School, already includes a large multi-story structure.

e. Waterfront

Certain portions of the waterfront are particularly suited to the location of specific uses which require or are enhanced by siting on the water's edge. Such locations are primarily on the Rondout Creek, or just south of its junction with the Hudson, due to a combination of physical features and existing waterfront uses which have already been attracted to these sites. The areas designated for such use under the existing zoning regulations are to be expanded to include most of the Rondout Creek waterfront from Connelly to the Eddyville Bridge. However, zoning revisions will distinguish between those areas suitable for waterfront commercial or industrial activities and those appropriate for water related recreation.

f. Hamlet

The hamlets of Esopus and West Park, in the southern portion of the coastal area, are two small enclaves in this otherwise low density area. They should continue as concentrations of local services and higher density residential uses. No significant zoning revisions are necessary to maintain this pattern.

g. Moderate Density Residential

The area along Salem Street west of the railroad is a mixture of older homes and more recent residential development. The current zoning reflects this pattern which should be maintained.

h. Reclamation Area

The large quarry between the Rondout Creek and Salem Street, west of the railroad, is the major industrial use in the coastal area and has had a significant visual and physical affect on the coastal environment. Expansion and continued use of the site will eventually

be limited by surrounding property ownership and physical features. The use of this area, upon cessation of quarry operations, is subject to severe physical constraints. A realistic reclamation plan must consider both physical limitations and land and water use objectives for the area.

Reclamation and reuse of the quarry should reflect the following objectives:

- (1) The existing natural escarpment which separates most of the quarry from the Creek should be preserved.
- (2) Priority should be given to a use which uses the existing docking facilities.
- (3) Any site reclamation should be subject to a full environmental impact analysis.
- (4) Within the above parameters, the maximum flexibility in permitted uses should be provided.

It is to be noted that a proposal to use the site by Consolidated Edison Corporation for disposal of fly ash from coal burning generating plants is inactive at this time. Such a use, under careful guidelines and monitoring, might offer an acceptable means to restore the site for other use. However, detailed analysis of all potential impacts related to the material to be disposed, its transportation to the site, changes in site features, and affects on adjacent land must first be undertaken.

B. Proposed Public and Private Projects

The physical projects proposed as part of this Program are described below and located on Map No. 7 and 7A; legal and administrative measures to implement the Program are set forth in Section V. The number of projects included has been limited to those most appropriate to the objectives of the program or those of highest priority. It is recognized that limited Town funding resources will require that projects be staged over many years or that outside financial assistance be obtained. The accompanying chart indicates the priority of the project, its estimated cost (where available), and the policy(s) to which it is related.

1. Boat Launching and Public Access Sites

A number of sites were investigated and evaluated as possible locations to create boat launching facilities and multi-purpose public access sites. The site with the greatest potential is the man-made peninsula at Sleightsburg extending into the Hudson at the mouth of the Rondout Creek. The entire peninsula includes some 35 acres of land and underwater rights with waterfront on both the Creek and the River. Vehicular access is limited to local streets and the entire site is within the 100 year flood hazard area. However, it is of sufficient size and has the diverse qualities to offer a range of active and passive recreation facilities including a boat launch on the Rondout Creek with access to the dredged channel, ample parking for cars and boat trailers, picnic areas, nature walks and access to the foundation of the first Kingston Lighthouse. Development of the site could be staged to coincide with available resources. See Exhibit IV A.

Although water depths adjacent to the Town Beach limit access to larger boats, the site is suitable for small boat launching. A one acre parcel recently dedicated by a private developer enhances opportunities for such a facility. This possible project should be investigated carefully, including possible environmental impacts and development feasibility.

The access point where River Road abuts the river's edge is the only existing public access to the River south of Port Ewen. At present only a parking area is provided. If additional land to the south can be obtained, it may be appropriate to provide additional facilities such as picnic areas.

2. Waterfront Path Systems

Opportunities to create pathways along the water exist in several areas so as to permit the public to walk along the water's edge or to waterfront viewing points. One such opportunity is to create a path from the Town Beach to the peninsula at Sleightsburg described above. One half mile of shoreline, in three parcels, separates the

the two properties. A right-of-way for a Central Hudson gas line runs along the shore and could well provide the base for a continuous walkway. As the Town reviews development proposals for the three intervening sites, it should seek to have this walk system incorporated in development plans. The path system could be extended, eventually, to the foot of Broadway on the Rondout Creek (see 7. below) to complete a walk of well over a mile.

If some of the large parcels south of River Road are developed in accord with the land use concept described in A above, opportunities to create a pedestrian path system should be considered when development proposals are reviewed. Such a system might follow, in part, the same Central Hudson gasline from River Road south to Black Creek.

3. Water Treatment Plant Improvements

The water treatment plant on River Road draws Hudson River water to serve the Port Ewen Water District, the only public water supply in Town. In service for over 20 years, the plant equipment must be upgraded to improve treatment quality. The Water District has also been advised by the Department of Environmental Conservation that it must revise its procedures for "backflushing" its tanks to avoid introducing pollutants into the River. Finally, as the Town continues to develop--and as such growth is channelled into the Water District--additional plant capacity will be required since the plant currently operates at 70-80% of capacity.

The three projects are integrally related and should be planned concurrently, even though implementation is staged. A major obstacle is the limited size of the existing site. To ensure the ability to meet these future needs, some land to the north of the existing plant should be acquired.

4. Removal of Abandoned Barges

At several locations along the Rondout Creek, abandoned barges and other vessels rest partially under water creating a visual blight and a potential hazard to navigation or inquisitive visitors. These abandoned hulks should be removed as part of Creek and channel maintenance.

Such a project is beyond the scope of the Town and will require financial and technical participation by the state and/or federal government.

5. Highway Overlooks

Route 9W in the southern part of Town provides some magnificent vistas of the Hudson River and the eastern shore. However, there are no opportunities to pull off the road to take advantage of this scenery and the volume and speed of traffic on the road makes it especially hazardous to view while driving. Several opportunities to create scenic overlooks at strategic locations exist. Location and design of these sites will be investigated in cooperation with the New York State Department of Transportation.

6. Esopus Meadows Lighthouse Preservation

One of four mid-Hudson lighthouses on the National Register of Historic Places, the Esopus Meadows light has been unused for a number of years. Although its exterior was recently painted, a permanent custodian of this significant structure is vital to its preservation. Recently the environmental organization Clearwater, Inc. has taken an interest in the structure and is considering leasing it for use in their education programs. Use and preservation by such an organization is an ideal solution and will be encouraged and assisted by the Town in any way possible.

7. Fishing Wall at North Broadway

The pump station at the foot of North Broadway in Sleightsburg is one of the few spots where public property abuts the water. The site is a small paved area separated from the Creek by a chain link fence. However, it is directly across the Rondout Creek from the Hudson River Maritime Center in Kingston and offers an excellent spot to view the ships at dock or passing by and could provide a spot for fishing or walking. With replacement of the fence by a low wall and addition of a few benches this spot would provide an interesting opportunity for passive recreation.

8. Historic Trail

The Esopus coastal area includes many historic buildings and sites. However, they are scattered over a large area and most are unmarked or otherwise designated. Preparation of a map for self-guided tours, markers or displays at key locations and a central location for information would enable both residents and visitors to locate and appreciate the Town's many historic resources.

PROPOSED PROJECTS

Town of Esopus

PROJECT	Responsible or Involved Agency*	Estimated cost	Priority**	Relevant Policy
1. Boat Launching Sites	TB, DEC, OPR	\$350,000	1	1,4,9,10,13A,19,20,21
2. Waterfront Paths	PB, P	Part or private development	2	13A,19,21
3. Water Plant Improvements	TB,DEC		1	1,5
4. Removal of Abandoned Barges	DEC, CE	Requires technical analysis	1	1,2,4,19,44
5. Scenic Overlooks	DOT	to be coordinated with DOT	3	25
6. Lighthouse Preservation	OPR, P	\$100-150,000	2	23
7. Fishing Wall: N. B'way	TB, OPR	\$20,000	1	4,13A,19,21
8. Historic Trail	TB, P	\$500 per sign	3	23

*Agency Abbreviation

TB = Town Board

PB = Town Planning Board (through review of Subdivisions and Site Plans)

DEC = Department of Environmental Conservation (NY State)

DOT = Department of Transportation (NY State)

CE = US Army Corps of Engineers

OPR = Office of Parks, Recreation and Historic Preservation (NY State)

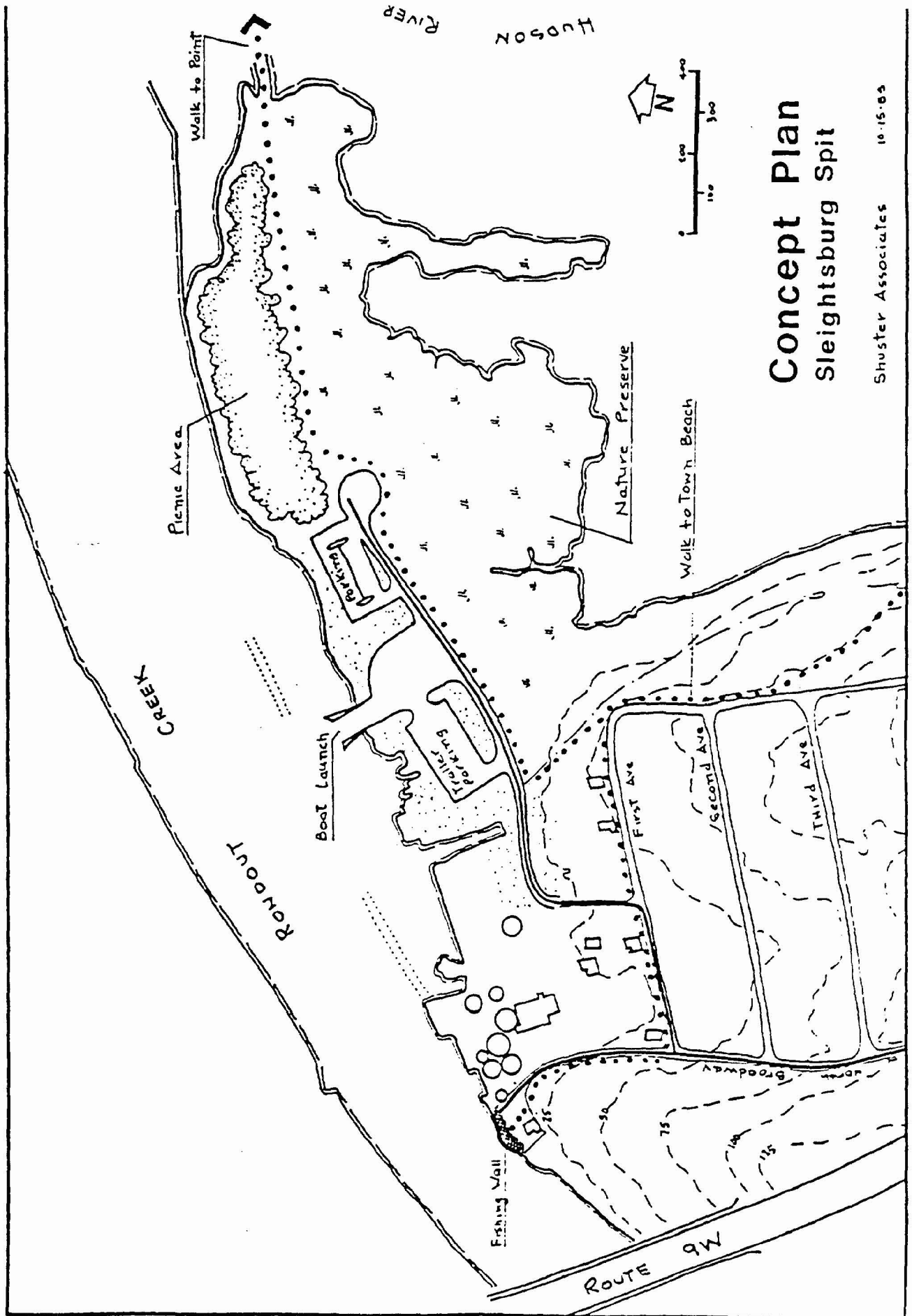
P = Private group or developer

**Priority Code

1 = High Priority

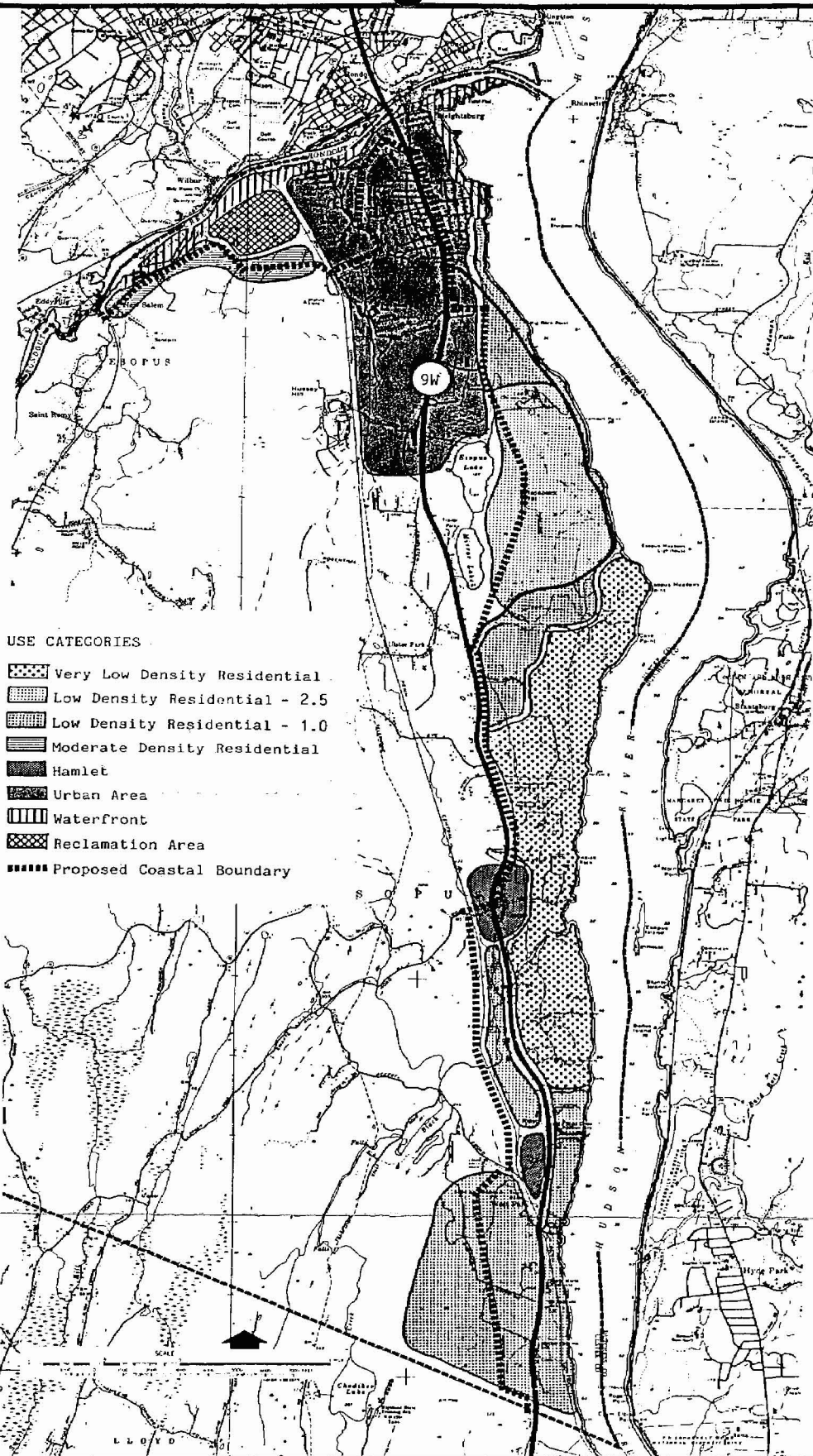
2 = Medium Priority

3 = Long Range



Concept Plan Sleightsburg Spit

Shuster Associates 10.15.83



Local Waterfront Revitalization Program
TOWN OF ESOPUS

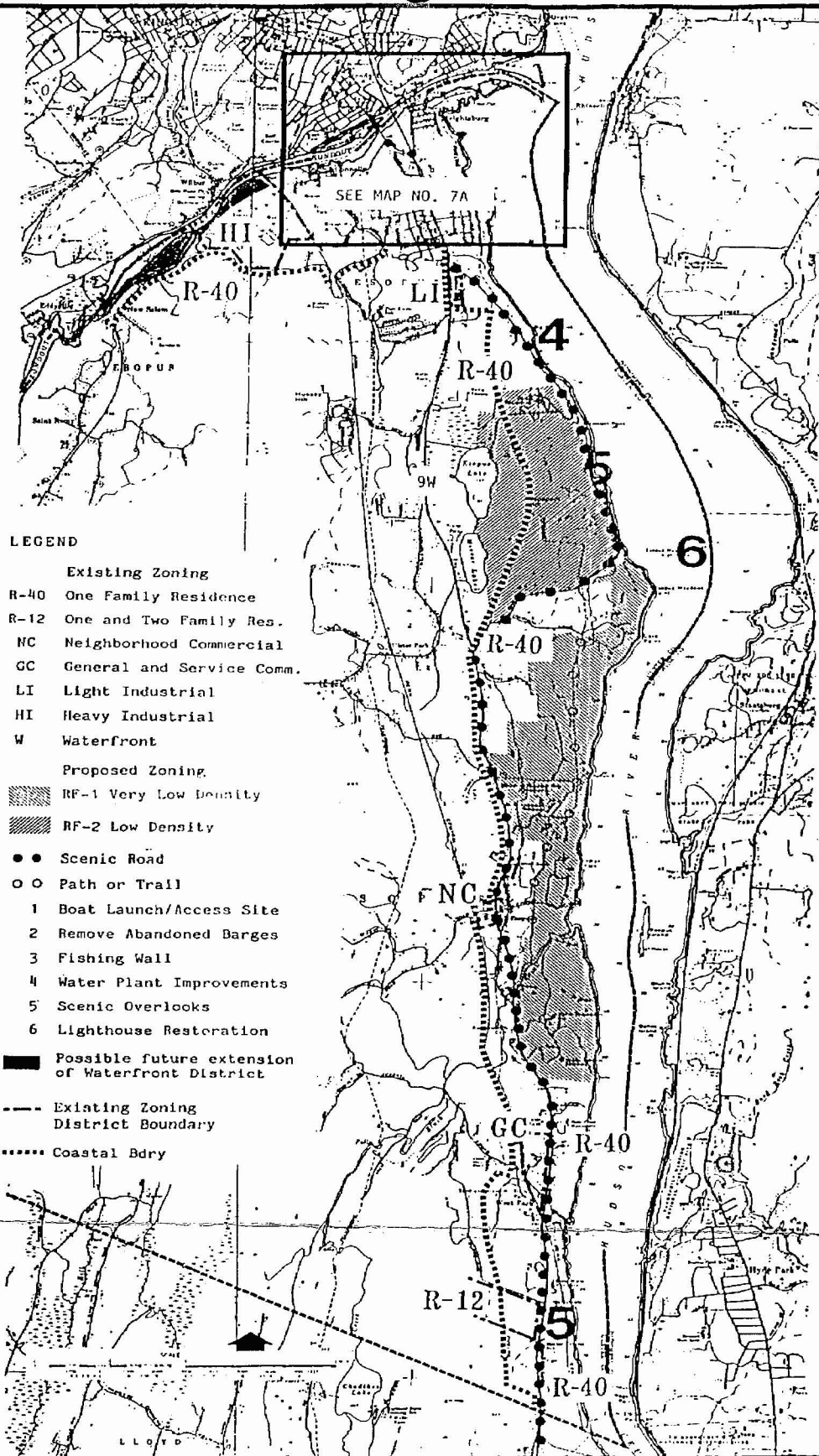
Shuster Associates

Planning Consultants

**GENERAL LAND AND
 WATER USE PLAN**

Map No.

6



Local Waterfront Revitalization Program
TOWN OF ESOPUS

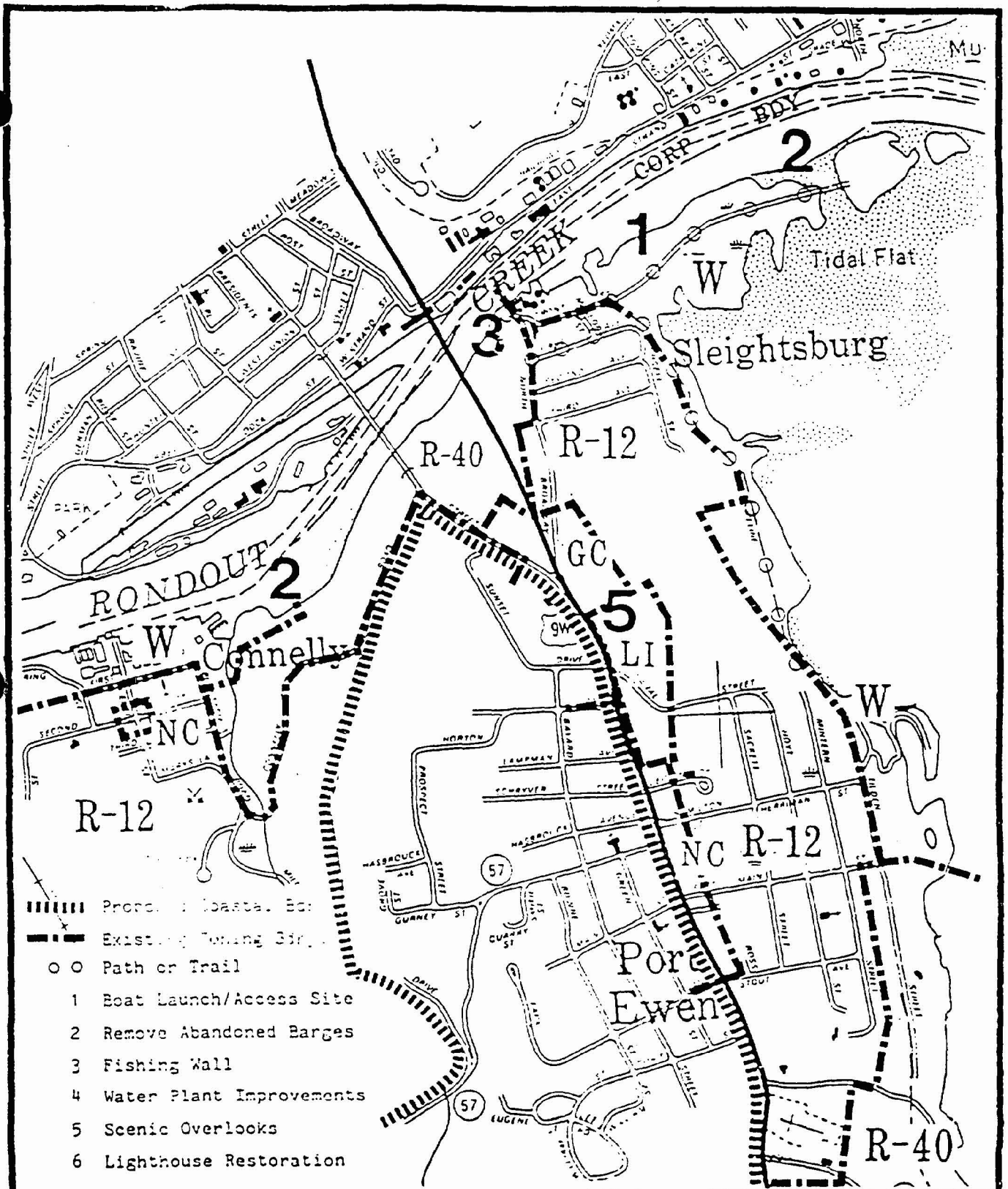
Shuster Associates

Planning Consultants

ACTION PROGRAM

Map No.

7



Local Waterfront Revitalization Program
TOWN OF ESOPUS

Slusher Associates

Planning Consultants

Map No. **7A**

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section describes the local techniques--legal, administrative, managerial and financial--required to carry out the LWRP.

Part A describes legislation, both existing and proposed, which will help to implement the program. Part B sets forth specific implementing actions or projects. Part C describes the management structure proposed to coordinate the program. Part D indicates the financial resources needed and, where possible, available to carry out specific proposed actions. Part E is a chart summarizing proposed actions and the policies from Section III to which they relate.

A. Local Laws and Regulations

1. Existing Laws and Regulations

The following existing laws and regulations are used by the Town to regulate or review land use and development activity in the coastal area:

- a. Zoning Ordinance: The Town Zoning Ordinance establishes land use and density controls, in designated districts, based on a comprehensive plan of development.

Application: The regulations controlling the type and density of development are essential to implement the Development Policies (1,1A, 2,4,5, and 5A). See also proposed zoning amendments concerning the riverfront. review of site plans for certain uses is important to achieve Historic and Scenic Resource Policies 23 and 25.

- b. Subdivision Regulations: The Subdivision Regulations establish standards and procedures for the division of land into individual building lots and the design and construction of public improvements.

Application: These regulations are important to orderly development and the most efficient and environmentally sensitive use of land and will support Flooding and Erosion Policies 14 and 17, Public Access Policy 20, and Water and Air Resources Policies 32,33 and 44.

- c. Flood Damage Prevention Regulations: Adopted pursuant to requirements of the federal Flood Insurance Program, these regulations control the location and type of construction permitted in designated flood hazard areas.

Application: These regulations are used to achieve Flooding and Erosion Policies 14 and 17.

- d. Environmental Quality Review: Town agencies are responsible for administering the State Environmental Quality Review (SEQR) Act as part of their review of actions which may significantly affect the environment. Such responsibility includes identification of possible adverse impacts and recommendation of mitigating measures. In addition to the lead agency, the Town of Esopus Environmental Board provides data and comment to assist review of proposed projects and actions.

Application: Virtually all policies of the LWRP will be supported by adherence to the procedures required by SEQR.

2. Proposed New Legislation (Adopted by Town)

- a. Establishment of Waterfront Commission: A Commission to coordinate and administer various actions necessary to implement the LWRP and to make "consistency determinations" will be created under local law. See C. below.

Application: This action relates to the entire LWRP.

- b. Local Consistency Law: A local law will be enacted to require that all local boards, agencies, commissions and departments act consistently with the policies established in the LWRP.

Application: This action relates to all aspects of the LWRP.

- c. Zoning Amendments: The Town's existing Zoning Ordinance provides, in general, appropriate regulation of land use in the coastal area to achieve the land use plan described in Section IV. The major exceptions, however, are land use controls for the two low density areas proposed along the Hudson River south of Port Ewen. (See IV A.1. b and c and Map No. 7). To accomplish the objective of protecting this unique area two new zoning districts are proposed to be added to the Zoning Ordinance. The proposed amendments are set forth in Exhibit V-A and discussed briefly below. Some modifications to the Waterfront District are also proposed.

(1) Very Low Density District (RF-1)

Intent: The intent of this district is to control development so as to preserve the existing low density character and large open spaces along the Hudson River shoreline while providing opportunities for clustered development and preservation of large, existing landmark structures.

Permitted Uses

Uses permitted by right include single family homes, agricultural uses and related accessory uses.

Subject to issuance of a conditional use permit, the following uses may be allowed: certain public, recreational and institutional use, town houses and; in existing structures only, apartments, offices, conference centers, research facilities and transient housing accommodations.

Density

Single family houses will be permitted by right on parcels of at least five acres. Subject to issuance of a conditional use permit, clustered single family homes or town houses may be permitted at an over-all density of one per acre.

Special Review Criteria for Conditional Use Permits

Review of application for conditional use permits shall consider the following guidelines and criteria in particular prior to approval:

- * All structures shall be set back at least 500 feet* from the river's edge, except those requiring a waterfront site (i.e. boat house, water plant, etc.), and at least 200 feet from Route 9W.
- * Open space preserved through clustering shall be designed and located so as to preserve significant natural features such as streams, hillsides, ridge tops, natural wooded areas and rock out-crops, and existing landscaping.
- * The visual impact of proposed development shall be analyzed in terms of view from the site to the river and from the river and the opposite shore to the site. Such analysis shall consider the materials used, the massing of buildings, the scale of development, the use of landscaping and natural growth, etc.
- * Site design and construction management shall use best management practices to prevent adverse affects from erosion, siltation, flooding, etc.
- * The use of existing large structures as other than single family homes shall only be permitted if the character and scale of the building and grounds are maintained.

*This may be reduced to 300 feet by the Planning Board.

(2) Low Density District (RF-2)

Intent: The intent of this district is to regulate compatible low density development in areas where the shoreline is already developed or which are visible from but do not have access to the water. The density of residential uses will be greater than in the RF-1 District, particularly where public utilities are available, but the range of other uses is less since unusually large, landmark structures are not as prevalent.

Permitted Uses

Uses permitted by right include single family homes, agricultural uses and related accessory uses.

Subject to issuance of a conditional uses permit, town houses may be allowed as well as certain public, recreational and institutional uses.

Density

Single family homes will be permitted on lots of at least 2.5 acres. Clustered single family homes and town houses at density of one per acre will be permitted; if the units are served by public sewer or water facilities density may be increased.

Special Review Criteria

The criteria and guidelines established for the RF-1 District will apply.

Application: These amendments are among the most important actions proposed by this LWRP and are required to achieve Development Policies 1A, 2, 4 and 5A, and will support Public Access Policies 19 and 20, Recreational Policy 21 and Historic and Scenic Resource Policies 23 and 25.

d. Sign Regulations

As part of the effort to preserve the scenic quality of the Town, certain roads--primarily Route 9W and River Road--are proposed to be designated as scenic roads, as discussed in B. below. Among the actions that should be considered are regulations to control the location, size and design of commercial signs on these roads. Such regulations could eliminate off-premises billboards and ensure that business signs do not detract from the visual environment.

Application: These regulations will support Scenic and Historic Resources Policies 23 and 25.

B. Other Actions

Physical projects related to the LWRP are described in Section IV. B; required laws and regulations are set forth in Section V. A. However, a number of other actions are also included in this LWRP for consideration.

1. Scenic Roads Designation

Route 9W and River Road are roads with great appeal whose high visual quality is apparent to all who drive them. Article 49 of the State Environmental Conservation Law authorizes designation of such scenic resources by the Commissioner of DEC and the development of programs to preserve and enhance them. River Road has already received such designation--among the first in the state. This designation should be supported by local actions, such as the enactment of sign controls, state action such as development of scenic overlooks and joint cooperation in maintenance and techniques to preserve important vistas.

2. Creation of Agricultural Districts

The orchards and vineyards in the southern part of Town are important to the local economy as well as to the visual character of the area. Owners of these properties should be encouraged to petition the County to designate Agricultural Districts so that they may avail themselves of the tax advantages while preserving these important resources for the Town and region.

3. Possible Extension of Waterfront District

In the future, the Waterfront District may be expanded to include virtually all of the Rondout Creek frontage. In such case, regulations will be refined to distinguish between the location for maritime commercial uses--in Connelly and Sleightsburg--and those for waterfront recreational uses. See Exhibit V-8.

4. Callanan Quarry Reclamation

While this site may continue in use for many years, the Town should encourage DEC to continually monitor its operations and carefully study existing and proposed reclamation plans to determine their impact and possible relationship to Town policies and objectives for this area.

C. Management Structure to Implement the Program

1. Existing Organization and Management Resources

No existing municipal body in this area has overall responsibility for the wide range of activities covered by the policies in Section III and the actions in Section IV. Physical operations affecting the Coastal Zone are dealt with primarily by the public works department and the water and sewer department. Land use and related functions are primarily the responsibility of the Planning Board, Zoning Board, Environmental Commission and Town Board.

Since no part of this pattern fitted the unique requirements of LWRP planning, a Waterfront Advisory Committee was created to undertake the drafting of the LWRP under a State planning grant. In its drafting work the Committee and its planning consultant have conferred with many of the bodies mentioned above. Moreover, its membership includes chairmen or members or a number of them, notably the Planning Board and the Environmental Commission. Thus the Committee has developed a unique overview of the problems and possibilities facing the coastal zone which is extremely important and should be provided for in the implementation phase. The management structure set forth below is designed to accomplish this purpose.

2. Waterfront Advisory Board

To provide advice and assistance in the implementation of the local Waterfront Revitalization Program, a Waterfront Advisory Board of 9 members has been established.

The Board should be constituted as follows:

a. Appointment

Members will be appointed for a term of three years and will be eligible for reappointment; except that at the outset

three members will be appointed for a term of three years, three for a term of two years, and three for a term of one year.

b. Organization and Procedure

The Board will make its own rules of procedure, subject to applicable law. It will elect a Chairman, and may in its discretion also elect other officers, from among its members.

c. Qualifications

Each member appointed must be a resident of the Town. Members will be chosen for their demonstrated knowledge, ability, and readiness to serve the Board in the functions described below, and with due regard for maintaining among the membership a range of special aptitudes and expertise relevant to the Board's work. In addition two members shall be members of the Planning Board, two shall be members of the Environmental Board and one shall be a member of the Zoning Board of Appeals.

d. Functions and Powers

The Board's basic task will be to advise and coordinate the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. In pursuance of this task the Commission will:

- (1) Advise the Town Board on implementation priorities, work assignments, timetables, and budgetary requirements of the program.
- (2) Review applications for site plans, zone changes, subdivisions and public works projects in the coastal area and advise the appropriate agency as to their consistency with policies of the LWRP.
- (3) Subject to the approval of the Town Board, make application for funding from State, Federal, or other sources to finance projects under the LWRP.
- (4) Maintain liaison with related Town bodies, including but not limited to the Planning and Zoning Boards and the Environmental Board, and with concerned nongovernmental bodies, in order to further the implementation of the LWRP.

- (5) On behalf of the Town Board, evaluate in timely fashion proposed actions of State agencies within the coastal zone in order to assure consistency of such actions with policies of the LWRP, advise the Board of any conflicts, and participate in discussion to resolve such conflicts.
- (6) Review proposed federal actions referred to it by the Department of State and advise the DOS as to its opinion concerning the consistency of the action with local coastal policies.
- (7) Prepare an annual report on progress achieved and problems encountered during the year, and recommend such actions as the Board considers necessary for the further implementation of the LWRP to the appropriate body.
- (8) Perform other functions regarding the Coastal Zone as the Town Board may assign to it from time to time.

e. Other Provisions

- (1) Members will serve without compensation. They will be entitled to reimbursement for necessary expenditures in the performance of their work, subject to budgetary limitations.
- (2) The Board may engage such professional and clerical help and purchase such supplies and services as are necessary for its work, subject to prior budgetary approval by the Town Board.
- (3) The Board will meet as necessary to conduct its business. Its meetings will be open to the public. It will keep and distribute minutes of its proceedings. A majority of its members will constitute a quorum.

3. Limitations

Notwithstanding any other provision of this Program, no powers, duties, or functions are conferred by it on the Waterfront Advisory Board other than those set forth in paragraphs d. and e. above; and no provision of this Program shall be construed as altering the powers, duties, and functions of any existing Town board, agency or officer of the Town of Esopus.

4. Sunset Provision

Five years from the date of initial appointment and every three years thereafter, the Board shall issue a finding as to its continued need and future function. Should the Board find that there is no longer a need for its services or that its functions are no longer appropriate, or should the Board fail to render any finding in a timely manner, the Board's term shall be considered to have expired and its powers and duties shall automatically be assigned to the Planning Board.

5. Consistency Review of Federal Actions

Federal actions in the coastal area will be reviewed in accord with the procedures set forth in Exhibit V-C.

D. Financial Resources to Implement the LWRP

Financial resources in varying amounts are required to implement the three types of actions included in the LWRP--administrative, legislative and physical projects. Resources necessary for the first two categories are relatively small and can be included in the normal annual budget allocations of the Town. Although the list of physical projects has been intentionally limited to those of highest priority, several are beyond the normal financial capacity of the Town.

Section VI indicates various State and Federal programs which may affect implementation of the LWRP, including some potential funding sources for specific physical projects. However, it is recognized that such funding is limited and competition for available funds is fierce. Set forth below is the estimated cost of each proposed physical project, where available, and possible sources of funds to implement them. Preconstruction costs may be available from the New York State Department of State upon approval of this LWRP.

1. Boat Launching Site and Access: Sleightsburg Spit

a. Estimated Cost: \$ 350,000 (Includes acquisition and construction)

b. Possible Funding Sources

- New York State DEC
- New York State OPR & HP
- Town Recreation Fund
- Hudson River Foundation

2. Waterfront Path System

a. Estimated Cost: not specified

b. Possible Funding Sources

- Private developers as part of site development
- Town Recreation Fund

3. Water Plant Improvements

a. Estimated Cost: \$

b. Possible Funding Sources

- U.S. Department of Agriculture

4. Removal of Abandoned Barges

a. Estimated Cost: \$ Unknown

- b. Possible Funding Sources
 - U.S. Corps of Engineers

5. Scenic Overlooks

- a. Estimated Cost: Coordinate with highway improvements
- b. Possible Funding Sources
 - New State DOT

6. Lighthouse Preservation

- a. Estimated Cost: \$100-150,000
- b. Possible Funding Sources
 - New York State OPR & HP
 - New York State Dept. of State
 - Private Corporations
 - Hudson River Foundation

7. Fishing Wall at North Broadway

- a. Estimated Cost: \$20,000
- b. Possible Funding Sources
 - New York State DEC
 - Town of Esopus
 - Hudson River Foundation

8. Historic Trail Markers

- a. Estimated Cost: \$500 per sign
- b. Possible Funding Sources
 - New York State OPR & HP
 - New York State DOT
 - Private Donations

E. Summary Chart of Actions and Policies

The following chart (or matrix) indicates the Policy(s) set forth in Section III that are addressed by each of the various implementing actions described in Sections IV and V.

PROPOSED RIVERFRONT ZONING

Local Waterfront Revitalization Program TOWN OF ESOPUS

★ ★ ★

The Esopus Waterfront Advisory Committee has been developing a plan for the Town's entire coastal area--Rondout Creek and the Hudson River--for more than two years. During this process, the preservation of portions of the scenic, low density shoreline south of Port Ewen was established as an important priority. The means proposed to accomplish this objective is via revisions in the Town Zoning Ordinance which will require preservation of open space and encourage use of landmark structures for appropriate purposes.

A public hearing on the entire Local Waterfront Revitalization Program was held on August 13, 1986, at which many comments on the proposed riverfront zoning were received. As a result, the Waterfront Advisory Committee has reviewed the original proposal and recommended substantial revisions which significantly reduce the area included in the two new districts proposed.

The only areas affected by the proposed zoning are now zoned R-40. The hamlets of Esopus and West Park are not included and existing business uses and business zoning on Route 9W are not affected in any way.

The text of the proposed zoning is attached as well as a map showing the revised boundaries of the two new Riverfront Zoning Districts.

PROPOSED ACTIONS AND APPLICABLE POLICIES

POLICY NO.	ACTION (See Legend Below)													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	•		•	•									•	•
1A									•				•	•
2				•					•				•	•
4	•			•			•		•				•	•
5			•						•					•
5A									•			•		•
6														
7														
7A-D														•
8														
9	•													
10	•													
11													•	•
13A	•	•					•							
14									•				•	•
15														
16														
17													•	•
18														
19	•	•		•			•							•
20	•													•
21	•	•					•							•
22									•					•
23						•		•						•
25					•				•	•	•			•
25A										•	•			•
26												•		•
28														
30														•
32														•
33									•					•
34														
34A														
35														
36														
37									•					•
38														•
39														
41														
44				•									•	

Actions

1. Access Site
2. Path System
3. Water Plant Improvements
4. Barge Removal
5. Scenic Overlooks
6. Lighthouse Preservation
7. Fishing Wall

8. Historic Trail
9. Waterfront/Low Density Zoning
10. Sign Regulations
11. Scenic Road Designation
12. Agricultural Districts
13. Existing Laws and Regulations
14. Local Consistency Law

8/12/85
Revised 10/15/85
5/2/86
5/8/86
11/17/86

PROPOSED AMENDMENTS

TOWN OF ESOPUS ZONING ORDINANCE

RIVERFRONT DISTRICTS

The following amendments to the Town of Esopus Zoning Ordinance are proposed to implement the recommendations of the Local Waterfront Revitalization Program concerning the Hudson River coastal area.

Article III, District Regulations, shall be amended by adding new Sections 123-14.1 and 123-14.2, as follows:

§123-14.1, RF-1 Riverfront District

Intent: The intent of this district is to control development so as to preserve the existing low density character and large open spaces along the Hudson River shoreline while providing opportunities for clustered development and preservation of large, existing landmark structures.

In an RF-1 Riverfront District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following. (See also Article V.)

A. Permitted Uses

- (1) Any use permitted in the R-40 One-family Residence District in §123-6A.

B. Conditional Uses

The following conditional uses are permitted subject to the approval of the Planning Board in accordance with §123-56 and §123-57, hereof, including a finding that such uses are consistent with the Town's approved Local Waterfront Revitalization Program, and to the regulations specified below and elsewhere in this chapter.

- (1) The following uses, subject to the conditions established therefore, in §123-6B:
 - (a) Places of worship
 - (b) Schools
 - (c) Municipal parks
 - (d) Annual membership clubs
 - (e) Children's recreation camps
 - (f) Cemeteries
 - (g) Summer cottages

- (2) Clustered single family and town house dwellings, subject to the provisions of §123-25 B,C and E and the following:
- (a) Minimum gross site area shall be 20 acres.
 - (b) The maximum number of dwelling units permitted shall be determined by reducing the gross site area by 25% and dividing the remaining area by 40,000 square feet.
 - (c) No structure shall exceed 30 feet in height.
 - (d) All structures shall be set back at least 500 feet from the river's edge, except those requiring a waterfront site (i.e. boat house, water plant, etc.). This set back may be reduced to 300 feet upon a finding by the Planning Board that, due to the nature of the site, such reduction will not adversely affect the guidelines set forth in (g) below. Structures shall also be set back at least 200 feet from Route 9W and 100 from other streets or property lines.
 - (e) The Planning Board shall consider the size and configuration of lots during its review in terms of the criteria set forth in (g) below and the provision of adequate water supply and sewage disposal systems.
 - (f) At least one third of the gross site area shall be preserved as permanent open space by appropriate legal covenants as set for in §125-25 E and recorded as such on all filed maps. The Town may, at its discretion, accept all or part of such open space if offered for dedication. At least two thirds of such open space shall be preserved in its natural state. The remainder may be used for active recreation facilities and may also contain water supply or sewage disposal systems if they are designed so as to preserve the scenic or functional purposes to which said open space is devoted. Such open space must have a minimum dimension of at least 100 feet at all points.
 - (g) In addition to criteria contained in §123-56 and §123-57, the Planning Board shall also consider the following guidelines and criteria in its review of a cluster development under this section:
 - (i) Open space preserved through clustering shall be designed and located so as to preserve significant natural features such as streams, hillsides, ridge tops, natural wooded areas and rock outcrops, and existing landscaping.
 - (ii) The visual impact of proposed development shall be minimized in terms of views from the site and adjacent roads to the river and from the river and the opposite shore to the site. Analysis shall consider the materials used, the massing of buildings, the scale of development, the use of landscaping and natural growth etc. The possible intrusion of new development on the visual setting of estates, institutions and historic structures on nearby properties shall also be evaluated.

- (iii) Site design and construction management shall be undertaken in a manner so as to prevent adverse affects from erosion, siltation, flooding, etc.
- (iv) Provision of public access to and along the shoreline is to be encouraged and review of site plans will include consideration of opportunities to incorporate the development of such access.
- (h) The Planning Board may require submission of a clustered development plan, in accord with the provisions of this paragraph, if it finds that such type of development is necessary to preserve specific features of the site and the general character of the district. However, the Planning Board may not require the development of multi-family dwellings in place of single family homes.
- (i) Site plan review under the provisions of this Section shall suffice for Planning board review of subdivisions under the Town Subdivision Regulations, subject to the following conditions:
 - (i) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Ulster County Clerk in addition to those drawings required under §§123-56 & 57.
 - (ii) The developer shall plat the entire development as a subdivision; however, projects being developed in stages may be platted and filed in the same stages.
 - (iii) Final site plan approval under §123-57 shall constitute final plat approval under the Town Subdivision Regulations, and the provisions of §276 of the Town Law requiring that the plat be filed with the Ulster County Clerk within ninety (90) days of approval shall apply.
- (3) The following uses, if housed entirely in structures erected prior to January 1, 1985, and subject to the provisions set forth below: apartments; corporate or professional offices; conference centers, inns or transient housing accommodations.
 - (a) Gross site area shall be at least 25 acres and gross floor area of existing buildings shall be at least 5,000 square feet. Maximum density shall be computed as in (2) (b) above.
 - (b) The scale and character of the existing building shall not be substantially altered in terms of architectural detailing, size and shape of door and window openings, exterior materials and colors and similiar features. Additions to eligible structures shall be kept to a minimum and in no case shall additions to any structure exceed 20% of its aggregate floor area or cubic volume.

(c) All required off-street parking in excess of five spaces shall be located at least 200 feet from adjacent streets and properties and fully screened therefrom.

(d) The Planning Board shall also consider the guidelines set forth in paragraph (2) (g) above in reviewing proposals.

C. Permitted Accessory Uses

(1) Any accessory use permitted in §123-6C.

§123-14.2 RF-2 Riverfront District

Intent: The intent of this district is to regulate compatible low density development in areas where the shoreline is already developed or which are visible from but do not have access to the water. The density allowed for residential uses is greater than in the RF-1 District, particularly where public utilities are available, but the range of other uses is less since unusually large, landmark structures are not prevalent.

In an RF-2 Riverfront District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following. (See also Article V.)

A. Permitted Uses

(1) Any use permitted in the R-40 One-family Residence District in §123-6A.

B. Conditional Uses

The following conditional uses are permitted subject to the approval of the Planning Board in accordance with §123-56 and §123-57, hereof, including a finding that such uses are consistent with the Town's approved Local Waterfront Revitalization Program, and to the regulations specified below and elsewhere in this chapter.

(1) The following uses, subject to the conditions established therefore, in §123-6B:

- (a) Places of worship
- (b) Schools
- (c) Municipal parks
- (d) Annual membership clubs
- (e) Children's recreation camps
- (f) Cemeteries
- (g) Summer cottages

(2) Clustered single family and town house dwellings, subject to the provisions of §123-25 B, C and E and the following:

(a) Items (a), (c), (e), (h) and (i) of §123-14.1 B (2).

- (b) The maximum number of dwelling units permitted shall be determined by reducing the gross site area by 25% and dividing the remaining area by 40,000 square feet. However, if the proposed units are to be connected to the public water supply or sewage disposal systems, the remaining area may be divided by 30,000 square feet; or by 25,000 square feet if connected to both.
- (c) All structures shall be set back at least 200 feet from the river's edge, except those requiring a waterfront site (i.e. boat house, water plant, etc.), and at least 100 feet from all streets and adjacent properties.
- (d) At least 25% of the gross site area shall be preserved as permanent open space by appropriate legal covenants as set for in §125-25 E. Such open space may be preserved in its natural state or developed for passive or active recreation. Water supply or sewage disposal systems may also be contained in such open space as long as they do not adversely affect the scenic or functional purposes to which said open space is devoted. Such open spaces shall have a minimum demension of at least 100 feet at all points.
- (e) In addition to criteria contained in §123-56 and §123-57, the Planning Board shall also consider the following guidelines and criteria in its review of a clusterdevelopment under this section:
 - (i) Open space preserved through clustering shall be designed and located so as to preserve significant natural features such as streams, hillsides, ridge tops, natural wooded areas and rock out-crops, and existing landscaping.
 - (ii) The visual impact of proposed development shall be minimized in terms of views from the site and adjacent roads to the river and from the river and the opposite shore to the site. Analysis shall consider the materials used, the massing of buildings, the scale of development, the use of landscaping and natural growth, etc.
 - (iii) Site design and construction management shall use best management practices to prevent adverse affects from erosion, siltation, flooding, etc.

C. Permitted Accessory Uses

- (1) Any accessory use permitted in §123-6C.

2. Article IV, District Bulk and Parking Regulations, shall be amended by addition of a new Section 123-16.1 Riverfront Districts, as follows:

§123-16.1 RF-1 and RF-2 Riverfront Districts

The following bulk and parking regulations for RF-1 and RF-2 Riverfront Districts shall apply. (See also Article V)

<u>Minimum Requirements</u>	<u>RF-1</u>	<u>RF-2</u>
Total Lot Area (square feet)	200,000	100,000
Lot Width (feet)	300	200
Lot Depth (feet)	500	300
Front Yard (feet)	75	50
Each Side Yard (feet)	50	30
Rear Yard (feet)	100	75
Off-street parking spaces* (per d.u.)	2	2

Note: See also provisions for clustered development as a conditional use.

*Required parking for conditional uses permitted under §123-14.1 and §123-14.2 shall be established by the Planning Board prior to approval of any such conditional use permit based on the requirements set forth in §123-23.

3. Article XII, Definitions, Shall be amended by addition of the following:

DWELLING, TOWNHOUSE - A one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Local Waterfront Revitalization Program
TOWN OF ESOPUS
Shuster Associates Planning Consultants

RF-2 Low Density

PROPOSED RIVERFRONT ZONING

Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates Planning Consultants

RF-1 Very Low Density

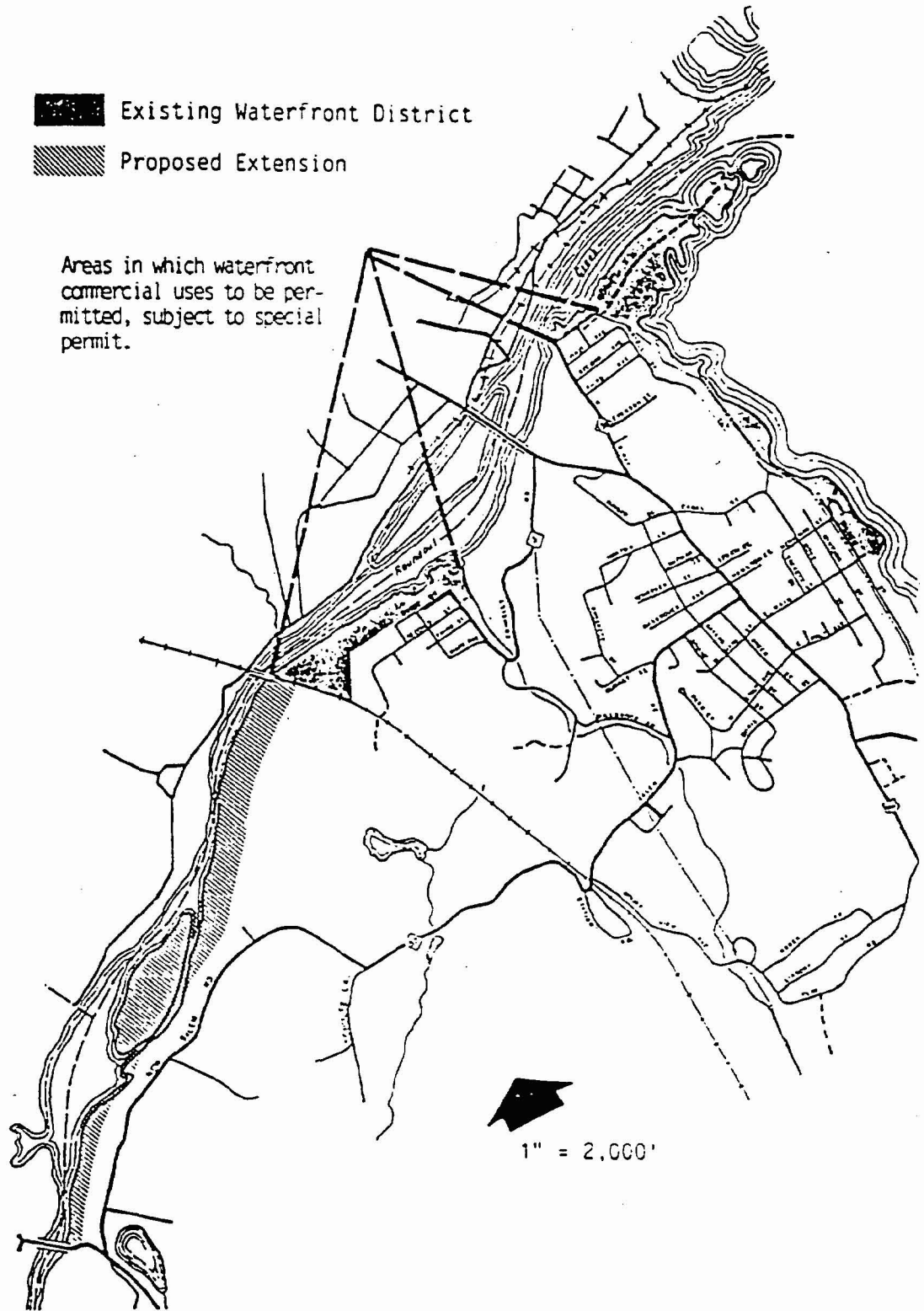
RF-2 Low Density

NOTE: The boundaries shown on this map are illustrative only. A detailed map showing exact boundaries is available for review in the Clerk's Office.

Existing Waterfront District

Proposed Extension

Areas in which waterfront commercial uses to be permitted, subject to special permit.



Local Waterfront Revitalization Program

TOWN OF ESOPUS

Shuster Associates

Planning Consultants

Exhibit V-B

Proposed Waterfront District

Map No.

EXHIBIT V-C

Procedural Guidelines for Coordinating NYS DOS & LWRP Consistency Review of Federal Agency Actions

DIRECT ACTIONS

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

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. the review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the ~~comments and recommendations~~ submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

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

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

A. Action means:

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

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

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
3. That will result in an overriding regional or statewide public benefit.

C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

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

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

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

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

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

V. RESOLUTION OF CONFLICTS

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

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

2/1/85

SECTION VI

FEDERAL AND STATE 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 and Coastal Resources 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.

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, breakwaters, 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.

DEPARTMENT OF INTERIOR (continued)

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgradings or abandonments of 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 (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightering 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)).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission (continued)

- 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 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 Rental Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.422 Business and Industrial Loans
10.423 Community Facilities 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
- 15.592 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants
66.418 Construction Grants for Wastewater Treatment Works
66.426 Water Pollution Control - State and Area-wide Water Quality
Management Planning Agency
66.451 Solid and Hazardous Waste Management Program Support Grants
66.452 Solid Waste Management Demonstration Grants
66.600 Environmental Protection Consolidated Grants Program Support
Comprehensive Environmental Response, Compensation and
Liability (Super Fund)

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

2. STATE ACTIONS AND PROGRAMS

The following is a generic list of State agency programs and activities, as identified by the NYS Department of State, which should be undertaken in a manner consistent with approved LWRPs. It should be noted that some of these programs and activities may not be relevant to the Town of Esopus Waterfront Revitalization Area.

Pursuant to Article 42 of the Executive Law, the Secretary of State individually and separately notifies affected State agencies of those agency programs and activities which are to be undertaken in a manner consistent with approved LWRPs. The following list is informational only and does not represent or substitute for the notification required by Article 42.

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 programs.
- 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 License
 - 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 [regional agency]

- 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 Certificate 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 Wholesaler of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

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

4.00 Financial assistance/grant programs:

- 4.01 Capital projects for limiting air pollution
- 4.02 Cleanup of toxic waste dumps
- 4.03 Flood control, beach erosion and other water resource projects
- 4.04 Operating aid to municipal wastewater treatment facilities
- 4.05 Resource recovery and solid waste management capital projects
- 4.06 Wastewater treatment facilities

5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

- (a) Water Quality Improvement Projects
- (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

Air Resources

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.

Fish and Wildlife

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

Lands and Forest

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

Marine Resources

- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters Other Than the Atlantic Ocean

Regulatory Affairs

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

Solid Wastes

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

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
 - 9.59 Certificate of Approval of Realty Subdivision Plans
 - 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
 - 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
 - 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
 - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
 - 9.64 Permit Granted (for Use of State Maintained Flood Control Land)
 - 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.
 - 17.00 Floodplain Management Criteria for State Projects (6NYCCR part 502).

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

DEPARTMENT OF HEALTH

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program

- 2.07 Rural Rental Assistance Program
- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

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

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.

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 Commissions)

- 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 programs.
- 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.

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 (Substances 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 and other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Construction, rehabilitation, expansion, or demolition of residential, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program

DIVISION OF YOUTH

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

B. FEDERAL AND STATE ACTIONS NECESSARY TO FURTHER THE LWRP

1. Federal Actions and Programs

a. Department of Defense, Army Corps of Engineers

- (1) Authorization of Dredging, etc: Will be important to maintain navigation on the Rondout Creek and specifically to develop the proposed boat launch on the Sleightsburg peninsula; Erosion Control Structures can be used to protect portions of the proposed park on the peninsula and to repair deteriorated bulkheads along the Creek.

b. General Services Administration

- (1) Disposition of Federal Surplus Land and Structures: May be appropriate for the Esopus Meadows Lighthouse upon agreement as to restoration by an appropriate user.

c. Department of the Interior

- (1) Outdoor Recreation-Acquisition, Development and Planning: Such assistance could be used to acquire and develop the proposed waterfront park on the Sleightsburg peninsula.
- (2) Historic Preservation Grants-in-Aid: Could be used to restore historic properties including the Esopus Meadows Lighthouse.

d. Department of Transportation

- (1) Coast Guard: Cooperation and assistance with regard to disposition of Esopus Meadows Lighthouse for appropriate reuse.

2. State Actions and Programs

a. Department of Agriculture and Markets

- (1) Administration of the Agricultural Districts Program: Can be used to preserve open space in the low density riverfront areas.

b. Department of Environmental Conservation

- (1) Permits for Transportation of Water by Vessel and Approval of Plans for Wastewater Treatment: If issued in conformance with LWRP policies will help preserve the quality of the Hudson River and the Town's water supply.

- (2) Mining Permit: Monitoring of activities at the Callanan Quarry and review of reclamation progress will help to ensure the eventual reclamation of this site in accord with LWRP policies.

c. Office of Parks, Recreation and Historic Preservation

- (1) Land and Water Conservation Funds: Can be used to acquire and develop the proposed waterfront park.
- (2) Nomination to State and Federal Register of Historic Places: Can designate appropriate structures and districts making them eligible for funding and tax incentives.
- (3) Historic Preservation Funds: Can be used for restoration of the Lighthouse and other significant structures.

d. Department of State

- (1) Funds for LWRP Implementation: Can be used for pre-construction activities for such projects as park acquisition and development, study of the feasibility of Lighthouse restoration and reuse and other public facilities.

e. Department of Transportation

- (1) Design, Construction and Rehabilitation of State Highways: Can include improvements to Route 9W south of Port Ewen to create scenic overlooks, and preserve stone walls and maintain vistas.

SECTION VII

CONSULTATION WITH OTHER AFFECTED STATE,
REGIONAL AND LOCAL AGENCIES

VII. CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

A. Local Consultation

Consultation has consisted of maintaining a close liaison with other Town agencies whose actions or functions may be affected by the LWRP. The chairman of both the Planning Board and Environmental Board serve on the Waterfront Advisory Committee and have kept their respective boards informed of progress. In addition, a meeting was held with each board to review the entire program. A presentation to the local historical society was also made.

The only other local government likely to be affected by the LWRP is the City of Kingston, on the north side of the Rondout Creek. Since the City is also preparing an LWRP, the Town's consultant met with the City Planner to exchange preliminary drafts and review possible conflicts. At this point no conflicts have been identified.

B. Regional Consultation

1. Ulster County Planning Board: A meeting was held with the staff of the Planning Board early in the program to inform them of the nature of the LWRP and to offer them the opportunity to comment on County concerns which the program might address. A number of suggestions were made and have been incorporated in the program. A copy of the first draft was referred to the staff and no potential conflicts with county programs were identified.
2. Heritage Task Force for the Hudson River Valley: The director of the Task Force was consulted with regard to the Esopus Meadows Lighthouse. The Task Force has been involved in an effort to preserve the four Mid-Hudson lighthouses and their advice and consultation was sought in this regard. They were able to share the experiences at the other three lighthouses and provide general support.

C. State Agency Consultation

1. Department of Environmental Conservation: Numerous contacts were made to gather data concerning flood hazard management, wetland designations and fish and wildlife resources.
2. Department of State: Consultation with the Department of State has taken place throughout the preparation of the LWRP. In addition to matters directly dealing with preparation of this program discussion has concerned methods of implementation and legal and programmatic concerns.

D. Federal Consultation

No direct federal consultation has taken place at this time.

SECTION VIII

LOCAL COMMITMENT

VIII LOCAL COMMITMENT

From the inception of the LWRP, it was recognized that involvement and commitment by both local officials and citizens was essential to the development of an effective program and to carrying out the various tasks to achieve its implementation. The program to achieve local commitment is described below:

A. Waterfront Advisory Committee

The first action taken by the Town Board following approval of the LWRP planning grant was to invite interested citizens and members of local boards to participate in the program. The appointment of a Waterfront Advisory Committee was made from this group. The Committee includes former members of the Town Board, members of business, civic, planning and environmental groups, and residents of the waterfront area.

The Committee was assigned major responsibility for guiding and developing the program. During the planning period the Committee met at least once a month. Subcommittees were formed to discuss policy, consider alternative approaches and recommend specific actions. The entire Committee has endorsed the program developed herein and recommended to the Town Board that it be adopted.

B. Public Meetings

The general public has been informed of the planning process through periodic releases and through participation in two public meetings. The first meeting was held at the start of the program to determine public concerns, to explain the purpose of the program and its potential benefits and to set forth the schedule and procedures to be followed. The second meeting was held at a point when the policies had been established and a program determined but when modifications were still possible based on public response. A final public hearing will be held prior to approval by the Town Board.

C. Town Board Briefings

The Supervisor and the Town Board have followed the activities of the Waterfront Advisory Committee and the preparation of the LWRP throughout the planning period. The supervisor is the local official responsible for the preparation of the program and has attended many Advisory Committee meetings as well as attending to various administrative functions.

The Town Board received copies of preliminary reports and was provided with several briefing sessions at which it had an opportunity to express its concerns and discuss the rationale for various elements of the plan.

[illegible]

GAYLORD No. 2373

NOAA COASTAL SERVICES CENTER LIBRARY



3 6668 14108 5078