

Village of Haverstraw Local Waterfront Revitalization Program

Adopted:

Village Board of Trustees, August 11, 2003

Approved:

NYS Secretary of State Randy A. Daniels, May 20, 2004

Concurred:

U.S. Office of Ocean and Coastal Resource Management, January 14, 2005

This Local Waterfront Revitalization Program (LWRP) has been adopted and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing Regulations(19 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a routine program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923). The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068. The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources, 41 State Street, Albany, New York 12231.

Incorporated
Village Of Haverstraw

DEPUTY MAYOR
FRANCISCO BATISTA

MAYOR
FRANCIS J. WASSMER, JR.

CLERK
EMMA L. VELEZ

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**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF HAVERSTRAW ADOPTING THE LOCAL WATERFRONT
REVITALIZATION PROGRAM OF THE VILLAGE OF
HAVERSTRAW**

WHEREAS, in July, 1999, MGD Holdings, LLC (“MGD”) informally proposed a public/private redevelopment project (the “Project”) within the portion of the downtown waterfront of the Village comprised of the parcels of land and land under water known and designated on the Village tax assessment map as: Section No. 27.09, Block 1, Lot 3; Section No. 27.10, Block 1, Lots 1, 2; Section No. 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section No. 27.17, Block 1, Lot 20; Section No. 27.18, Block 1, Lots 1, 4; Section No. 27.46, Block 1, Lots 76, 77, 78, 80, 81, 82, 83, 84, 85; Section No. 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15 (collectively, the “Project Area”); and

WHEREAS, the Board of Trustees of the Village of Haverstraw (“Village Board”) is committed to the redevelopment of the Project Area through clearance, re-planning, reconstruction, rehabilitation and code enforcement in order to promote the health, safety and welfare of the residents of the Village, and to promote sound growth and economic development of the Village as a whole; and

WHEREAS, Article 15 of the New York General Municipal Law (“GML”) authorizes a municipality to plan and undertake one or more urban renewal projects and grants to a municipality the powers necessary or convenient to carry out and effectuate such projects, including the powers to acquire real property necessary for or incidental to an urban renewal project by purchase, gift, devise, lease, condemnation or otherwise, and to dispose of such real property to a qualified and eligible sponsor of such urban renewal project; and

WHEREAS, on November 19, 1999, the Village Board considered a Designation Study of the Project Area prepared for the Village by Saccardi & Schiff, Inc.; and

WHEREAS, by resolution adopted on November 19, 1999, the Village Board: (a) determined that the Project Area constitutes a “substandard or unsanitary” area which is appropriate for urban renewal pursuant to GML Sections 502 and 504; and (b) granted the Developer the exclusive right to negotiate agreements with the Village for the redevelopment of the Project Area until the date on which the Village Board either designates or declines to designate MGD as the “qualified and eligible sponsor” of the Project under GML Article 15; and

WHEREAS, on December 13, 1999, the Village Board authorized and directed the preparation of an urban renewal plan for the Project Area; and

WHEREAS, a revised Designation Study dated September 22, 2000 which includes within the Project Area the parcels of land known and designated on the Village tax assessment map as: Section No. 27.18, Block 1, Lots p/o 2 and p/o 3, and Section No. 27.46, Block 1, Lot 86 (the “Additional Parcels” and collectively with the Project Area, the “Project Area”) was presented to the Village Board for its consideration; and

WHEREAS, on October 2, 2000, the Village Board found and determined that the Additional Parcels are appropriate for urban renewal and authorized and directed the preparation of an urban renewal plan for the redevelopment of the entire Project Area; and

WHEREAS, on December 13, 1999, the Village Board declared its intent to be lead agency under the State Environmental Quality Review Act (“SEQRA”) for the review of the Project, as well as for the review under SEQRA of all actions related thereto including, but not limited to, a proposed urban renewal plan for the redevelopment of the Project Area, a proposed local waterfront revitalization program and waterfront consistency law, and proposed amendments to the Zoning Ordinance of the Village of Haverstraw (the “Zoning Ordinance”) and to the Zoning Map of the Village (the Project and all such other actions collectively, the “Proposed Actions”); and

WHEREAS, on September 14, 2000, the Village and MGD executed a certain “Interim Development Agreement” dated as of August, 2000, which generally sets forth the obligations of the Village and of MGD with respect to the Project subject to the satisfaction of all requirements under SEQRA, and which did not commit the Village to any final course of action; and

WHEREAS, on October 2, 2000, the Village Board re-confirmed its intent to be lead agency under SEQRA for the review of all of the Proposed Actions and authorized the circulation of a full Environmental Assessment Form to all potentially interested and involved agencies; and

WHEREAS, on November 20, 2000, the Village Board: (a) commenced review of the Proposed Actions in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (b) confirmed the classification of the Proposed Actions as “Type I” under SEQRA; (c) determined that the Proposed Actions may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement (“DEIS”) be prepared; (d) directed that a public scoping session be held at its December 11, 2000 meeting in accordance with 6

N.Y.C.R.R. Section 617.8; and (e) directed that a written notice of its determination of significance and notice of public scoping session, together with a draft DEIS Scope, be sent to all involved and interested agencies; and

WHEREAS, a draft DEIS Scope dated November 20, 2000, was prepared in accordance with 6 N.Y.C.R.R. Section 617.8; and

WHEREAS, the Village duly published a Notice of Public Scoping and sent copies of that notice with a copy of the draft DEIS Scope to all interested and involved agencies; and

WHEREAS, on December 11, 2000, the Village Board conducted a public scoping session at which various speakers commented upon and expressed their concerns with regard to the draft DEIS Scope; and

WHEREAS, the draft DEIS Scope was subsequently revised in response to the oral and written comments of the public and of involved and interested agencies; and

WHEREAS, on February 5, 2001, the Village Board approved and adopted the draft DEIS Scope; and

WHEREAS, on November 19, 2001, the Village Board accepted a DEIS for the Project and all of the Proposed Actions prepared jointly by the Village and the Developer as complete and adequate for public review and authorized a public hearing to be held on the DEIS on December 17, 2001; and

WHEREAS, a draft urban renewal plan for the redevelopment of the Project Area entitled the "Village of Haverstraw Urban Renewal Plan for the Downtown Waterfront Redevelopment Project" (the "Waterfront Urban Renewal Plan") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the Technical Advisory Committee of the Village (the "TAC") and was duly presented to the Village Board for further action in accordance with GML Article 15; and

WHEREAS, under the Waterfront Urban Renewal Plan, except for the lands which together constitute Emeline Park, the "Damiani" property (Section 27.46, Block 1, Lots 80 and 81), certain private parcels located on the westerly side of West Street currently owned by Tilcon New York Inc., and certain private parcels identified in the Waterfront Urban Renewal Plan as "Not To Be Acquired", the Project Area is divided into five (5) land use sub-areas known and designated as "Land Use Area A," "Land Use Area B," "Land Use Area C," "Land Use Area D" and "Land Use Area E" as shown on the map attached thereto and made a part thereof entitled "Map of Land Use Areas in the Waterfront Urban Renewal Area"; and

WHEREAS, the Waterfront Urban Renewal Plan contains a "Concept Development Plan for the Waterfront Urban Renewal Project" (the "Concept Development Plan"); and

WHEREAS, the Concept Development Plan generally shows the proposed layout of buildings, structures, land uses and public and private open spaces of the Project; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Waterfront Urban Renewal Plan to the Planning Board of the Village of Haverstraw (the "Planning Board") for its report and recommendation pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Waterfront Urban Renewal Plan pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board transmitted its report to the Village Board certifying its approval of the draft Waterfront Urban Renewal Plan; and

WHEREAS, a draft of proposed amendments to the Zoning Ordinance and the Zoning Map of the Village intended to implement the Waterfront Urban Renewal Plan and the Project entitled "Section 245-21.1. WPD Waterfront Planned Development District" (collectively, the "Zoning Amendment") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the TAC and was duly presented to the Village Board for further action in accordance with Section 245-35 of the Zoning Ordinance and New York Village Law Sections 7-706 and 7-708; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Zoning Amendment to the Planning Board for its report and recommendation; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Zoning Amendment and transmitted its report and recommendation to the Village Board with respect to the Zoning Amendment; and

WHEREAS, on December 17, 2001, the Village Board duly held concurrent public hearings (the "Public Hearing") on the DEIS and on the following Proposed Actions: (a) the adoption of the proposed Zoning Amendment; (b) the adoption of the proposed Waterfront Urban Renewal Plan; (c) the adoption of a proposed "Village of Haverstraw Local Waterfront Revitalization Program" (the "LWRP") affecting all property located in the Village designated by New York State as Coastal Area; and (d) the adoption of a proposed "Village of Haverstraw Waterfront Consistency Review Law" to implement the LWRP; and

WHEREAS, on December 17, 2001, the Village Board, as potential condemnor, duly held a public hearing under Eminent Domain Procedure Law ("EDPL") Section 201 to inform the public and to review the public use to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area; and

WHEREAS, on January 7, 2002, the Village Board continued and then closed the public hearings, but kept the period for written comments on the DEIS open until January 31, 2002; and

WHEREAS, on September 24, 2002, the Village Board transmitted the draft LWRP to the New York Department of State (“NYSDOS”) for its review and approval in accordance with applicable law; and

WHEREAS, on January 6, 2003, the Village Board adopted Resolution #1-2003 pursuant to which the Village Board accepted the Final Environmental Impact Statement (“FEIS”) for the Proposed Actions as complete, but did not issue a Notice of Completion of the FEIS or file the FEIS; and

WHEREAS, on January 6, 2003, the Village Board requested that the New York State Division of Housing and Community Renewal (“DHCR”) review the Project “in order to insure that the Village of Haverstraw is in compliance with all applicable rules, regulations and laws that would apply” to the Project, specifically with regard to the execution of the Interim Development Agreement and the proposed execution of a subsequent Land Acquisition and Disposition Agreement without competitive bidding; and

WHEREAS, on March 4, 2003, NYSDOS transmitted its comments (and the comments of all other reporting agencies) on the draft LWRP to the Village Board; and

WHEREAS, by letter dated April 16, 2003, DHCR advised the Village that State law specifically permits the negotiated sale of urban renewal property to a redevelopment sponsor without competitive bidding; and

WHEREAS, the draft LWRP was subsequently revised in response to comments received from NYSDOS and on May 5, 2003, was resubmitted to NYSDOS for further consideration together with the Village’s “Response to Comments – Village of Haverstraw Local Waterfront Revitalization Program”; and

WHEREAS, on May 15, 2003, the Village Board again referred to the Planning Board the draft Waterfront Urban Renewal Plan and draft Zoning Amendment for the Planning Board’s consideration of the modifications that had been made by the TAC in response to comments received during the course of the SEQRA review process since the DEIS was accepted as complete; and

WHEREAS, on May 15, 2003, the Planning Board recommended approval of the most recent draft Zoning Amendment and certified its approval of the most recent draft Waterfront Urban Renewal Plan; and

WHEREAS, by letter dated June 2, 2003, NYSDOS issued further comments on the draft LWRP and on the Village’s May 5, 2003 “Response to Comments,” and indicated that it required the FEIS to be amended to make the “Response to Comments” and the revised LWRP a part of the FEIS and subject to the ten day “waiting” period under 6 N.Y.C.R.R. §617.11(a); and

WHEREAS, on June 6, 2003, the Village transmitted a further revised draft LWRP and “Response to Comments” to NYSDOS; and

WHEREAS, on June 9, 2003, NYSDOS completed its review of the draft LWRP and the Village's "Response to Comments" and

WHEREAS, on June 16, 2003, the Village Board adopted a resolution amending the FEIS to make the revised, draft LWRP and the Village's "Response to Comments" a part of the FEIS and issuing a Notice of Completion of the of the amended FEIS which provided that comments on the FEIS would be accepted through June 30, 2003; and

WHEREAS, on June 16, 2003, the Village Board determined that given the passage of time since January 7, 2002, when the first public hearings on the Proposed Actions were closed, it was in the best interest of the residents of the Village for the Village Board to hold second public hearings on all of the Proposed Actions and under EDPL Section 201 to review the public purposes to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area, and

WHEREAS, Harbors Haverstraw, LLC (the "Developer") is a related entity of MGD and is the successor in interest to MGD; and

WHEREAS, on July 14, 2003, pursuant to General Municipal Law Section 507, the Village Board authorized publication of the Notice of Availability for Public Examination of a proposed Land Acquisition and Disposition Agreement ("LADA") between the Village and the Developer and of the "Redeveloper's Statement for Public Disclosure" of the Developer respecting the proposed designation of the Developer as the qualified and eligible sponsor of the Project, the proposed disposition to the Developer of parcels in the Project Area and the redevelopment of the Project in the Project Area, and authorized a public hearing to be held thereon on July 28, 2003; and

WHEREAS, on July 28, 2003, the Village Board duly held and thereafter closed concurrent second public hearings: (a) on all of the Proposed Actions; (b) under EDPL Section 201; (c) on the proposed designation of the Developer as the qualified and eligible sponsor of the Project; and (d) on the LADA and the proposed disposition to the Developer of parcels in the Project Area for redevelopment as a part of the Project; and

WHEREAS, on August 5, 2003, the Village Board, acting as lead agency, adopted a written findings statement under SEQRA in connection with the Project and all of the Proposed Actions.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

1. Since September, 1996, the Village has been working with NYSDOS to formulate an acceptable Local Waterfront Revitalization Program. A draft LWRP was prepared in 1998 but was not adopted.
2. The Village re-commenced the LWRP process in 2000 in response to the initial proposal for the Project. Public informational workshops on the draft LWRP were held on October 28, 2000, November 13, 2000, and the draft LWRP has been the subject of numerous regular meetings of the Village's Waterfront Advisory Committee, the Village Board, the Planning Board and the TAC. The Rockland County Planning Department has participated in many of these meetings, including a meeting on October 16, 2001 with representative of the Developer.
3. The draft LWRP was revised in response to comments received from the public and from NYSDOS and public and governmental agencies, and was formally submitted to NYSDOS on September 24, 2002 for review pursuant to Article 42 of the New York State Executive Law. The draft LWRP was circulated by NYSDOS to appropriate federal, state, county and local agencies in accordance with Executive Law Article 42, and was subsequently revised by the Village to respond to comments received by NYSDOS from those agencies.
4. On June 9, 2003, the Secretary of State completed the review of the draft LWRP and advised the Village that the draft LWRP was acceptable for approval by the Village. A copy of the final draft LWRP is attached to this resolution as **Exhibit A**.
5. Accordingly, the Village Board hereby adopts the final draft "Village of Haverstraw Local Waterfront Revitalization Program" in its entirety.
6. The Village Board hereby directs the Mayor to formally transmit the adopted LWRP to the New York State Secretary of State for approval pursuant to Article 42 of the New York State Executive Law.

Resolution # 264 – 2003

Motion by: Trustee Brennan

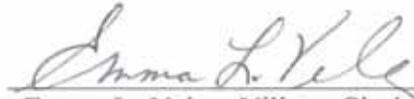
Seconded by: Trustee Batista

	For the Motion	Against the Motion
Mayor Wassmer	Yes	
Deputy Mayor Cintron	Yes	
Trustee Batista	Yes	
Trustee Brennan	Yes	
Trustee Sanchez		Abstain

Motion Passes: 4 Yes
1 Abstain

I, Emma L. Velez, Clerk of the Village of Haverstraw, New York, do hereby certify that the above resolution was adopted at a Regular Meeting of the Board of Trustees held on August 11, 2003 and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: October 25, 2005
Haverstraw, New York


Emma L. Velez, Village Clerk





STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

July 12, 2004

Honorable Francis J. Wassmer, Jr.
Mayor
Village of Haverstraw
40 New Main Street
Haverstraw, NY 10927

Dear Mayor Wassmer:

I am pleased to inform you that I have approved the Village of Haverstraw Local Waterfront Revitalization Program (LWRP), pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the Village's valuable waterfront resources.

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

I look forward to working with you as you endeavor to revitalize and protect your waterfront.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy A. Daniels".

Randy A. Daniels

RAD:mo\gn



JAN 14 2005

Mr. George R. Stafford
Director, Division of Coastal Resources
New York Department of State
41 State Street
Albany, New York 12231

DEPARTMENT OF STATE
DEPARTMENT OF STATE
COASTAL PROGRAMS

JAN 26 2005

RECEIVED

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management (OCRM) concurs with your request to incorporate the Village of Haverstraw Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program (NYSCMP) as a Routine Program Change (RPC). We did not receive any comments on your request. This approval assumes you will make no further changes to the document in addition to the ones submitted.

After analyzing your RPC submission, we have concluded that the submitted enforceable policies for the Village of Haverstraw LWRP, as listed below, are RPCs and OCRM approves them as enforceable policies of the NYSCMP.

Revised Enforceable Policies

The following Haverstraw LWRP enforceable policies further specify NYSCMP enforceable policies: 5, 7, 9, 10, 12, 17, 19, 20, 22, 34, and 35.

The following Haverstraw LWRP enforceable policies are the same as the corresponding NYSCMP enforceable policies, except the "Explanation of Policy" section for each Haverstraw LWRP enforceable policy has been revised or further specified: 1, 2, 4, 6, 11, 14, 18, 27, 28, 30, 32, 33, 36, 37, 38, 41, 43, and 44.

These revisions further detail the NYSCMP enforceable policies to be specific to the Haverstraw LWRP and do not represent a substantial change.

New Enforceable Policies

The following Haverstraw LWRP enforceable policies are new enforceable policies that were not previously in the NYSCMP: 1A, 1B, 2A, 2B, 2C, 4A, 4B, 4C, 5A, 5B, 7A, 8A, 8B, 9A, 13A, 13B, 15A, 16A, 16B, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 20A, 20B, 20C, 20D, 20E, 21A, 21B, 21C, 21D, 21E, 21F, 22A, 23A, 23B, 25A, 25B, 25C, 34A, 39A, 39B, and 40A.

These new enforceable policies further detail the NYSCMP enforceable policies to



policies that are specific to the Haverstraw LWRP and do not represent a substantial change.

Unchanged Enforceable Policies

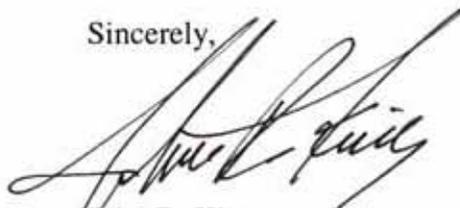
The following Haverstraw LWRP enforceable policies are the same as NYSCMP enforceable policies under 19 NYCRR, Part 600.5: 8, 13, 15, 16, 21, 23, 25, 31, 39, 40, and 42.

Inapplicable Enforceable Policies

The following NYSCMP enforceable policies do not apply and are not a part of the Haverstraw LWRP: 3, 24, 26, and 29.

In accordance with the Federal Coastal Management Regulations, 15 C.F.R. § 923.84, Federal Consistency will apply to the enforceable policies contained in the final Village of Haverstraw LWRP after you publish notice of our approval.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. King", written in a cursive style.

John R. King
Division Chief

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- Appendix F Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect
- Appendix G Procedural Guidelines for Coordinating NYS Department of State (DOS) & LWRP Consistency Review
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- Appendix I Village of Haverstraw Land Use Areas
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SECTION 1
LOCAL WATERFRONT REVITALIZATION AREA BOUNDARY

The Coastal Area Boundary follows the Village of Haverstraw's western municipal boundary. Thus, the entire incorporated Village of Haverstraw lies within the State designated Coastal Management Area. (See [Map 1, Local Waterfront Revitalization Area Boundary](#))

The boundary of the Village of Haverstraw's Local Waterfront Revitalization Area (the "Waterfront Revitalization Area") is intended to include land and other features of the Village which may have a direct and significant impact on the coastal waters of the Hudson River. As shown on Map I in the LWRP, the northern and southern and western limits of the Waterfront Revitalization Area follow the respective boundaries of the Village of Haverstraw. The eastern waterside boundary extends 1,500 feet from the mean low water line of the Hudson River. Similarly, the Harbor Management Area includes the shoreline uses and all lands underwater extending 1,500 feet from the mean high water line.

SECTION 2 INVENTORY AND ANALYSIS

A comprehensive inventory of the Waterfront Revitalization Area is a necessary step to identify important resources, problems, and opportunities relating to the Hudson River. The inventory identifies water dependent and water related or enhanced uses; surface water use; flooding, erosion, and siltation problem areas; underutilized, deteriorated or vacant properties; non-point source pollution; scenic resources; historic resources; water quality; public access and recreation; and natural habitats. An analysis of the key waterfront issues in the Village can be then be determined.

A. COMMUNITY PROFILE

The Village of Haverstraw is located along the west bank of the Hudson River, in the picturesque Hudson River Valley (refer to [Map 1A, Regional Setting](#)). The Village is approximately 35 miles north of New York City and within New York City's large metropolitan region, and about 15 miles south of Bear Mountain State Park. Routes 202 and 9W are the main access routes to the Village, and there is indirect access to the Palisades Interstate Parkway and the New York State Thruway. Its location along the Hudson River has been a major influence in its past development, and continues to play a leading role in land use and development. From pre-colonial days to the present, the Hudson River Valley has been the main route of travel for people and commerce.

The Village of Haverstraw, located in the east-central portion of Rockland County, covers an area of approximately two square miles. Rockland County is separated from Westchester County by the two largest bays of the Hudson River's course: Haverstraw Bay and the Tappan Zee. The length of the Village's shoreline along the Hudson River is 3.2 miles. According to the 2000 Census, the population of the Village was 10,117. The Village is bordered by the Hudson River on its east, by the Town of Haverstraw to the north and west, by the Village of West Haverstraw to the northwest, and by the Town of Clarkstown to the south.

A portion of the Palisades Interstate Park is located along the Village's western border. This portion of the Park is called High Tor State Park, and is largely undeveloped. The Long Path runs through High Tor, with hiking as a major activity.

Physical Features and Land Characteristics

Nestled between the Palisades Interstate Park on the west and the Hudson River on the east, the topography within the Village of Haverstraw is characterized by generally rolling lowland area (which occupy approximately one half of the area of the Village), rising moderately from sea level at the Hudson river to the steep slopes in the western portion of the Village. The highland area is part of the Palisades mountain range and is known as South Mountain.

This is a well-defined ridge rising to a height of 827 feet at High Tor. The ridge runs northwest to southeast and forms a sharp escarpment along the Hudson River as the ridge passes the south border of the Village.

The topography of the Village basically guides its development. All of the development that takes place in the Village is confined to the rolling valley area between the Palisades Interstate Park and the Hudson River. The moderate to steep slopes found in the western half of the Village constitute half of the land in the Village, and present severe limitations for development. Slopes within the Village's waterfront coastal area average at about 7.5 percent, and much of the past development of the Village has occurred within this area. Slopes from five to nine percent are generally equally good for both residential and commercial development. Slopes less than five percent are preferred for commercial and industrial development especially if they exist along good highway access. Refer to [Map 2, Development Considerations](#).

B. HISTORICAL DEVELOPMENT OF THE WATERFRONT AREA

Haverstraw began in the second half of the 17th century as a Dutch settlement known as Warren. In addition to significant agrarian origins including farms and orchards, Haverstraw's early industries are an important aspect of the history of the Village. Most notably, brickworks fueled the growth of the Village's economy and provided easily transportable building material for New York City from 1815 to 1950. By 1883, there were 42 brick yards in operation along the Hudson, which employed 2,400 workers and produced more than 300 million bricks annually. Thanks to the areas' natural yellow and blue clay deposits, the industry flourished for more than 100 years, during which time Haverstraw became known as "the brick making center of the world." Haverstraw's proximity to the Hudson River enabled it to fuel the growth of industrial activity into the 20th century.

Historic Resources

An inventory of historic resources in the Village of Haverstraw lists a substantial number of buildings or sites that have historic importance and architectural significance, most of which date from the early 1800's. Efforts to preserve many of the village's historic resources have already been successful and have utilized available regulatory techniques such as national and state historic designation.

State and National Registers of Historic Places

An examination of the computer inventory of the New York State Office of Parks Recreation and Historic Preservation (OPRHP) identified three properties listed on the State and National Registers of Historic Places located within the Village of Haverstraw, as follows:

1. King's Daughters Public Library, also known as the Fowler Library, dates to 1903 and lies at the corner of Main and Allison Streets;

2. United States Post Office of Haverstraw, located at 86 Main Street, which is described as a Colonial Revival brick post office with limestone and terra cotta trim; built in 1935-1936 and;
3. the Lynch Delveyelles Homestead located at 143 Hudson Avenue.

In addition, the Central Presbyterian Church located at 64 New Main Street has been deemed eligible for listing on the State and National Registers of Historic Places. ¹

Historical Society of Rockland County

The Historical Society of Rockland County has erected 59 historical markers identifying historic resources throughout Rockland County. The Historical Society list of sites does not necessarily reflect designations on the State or National Registers of Historic Places. Historical Society site markers identify the following historic resources within the proposed waterfront coastal area:

- Treason Site, Route 9W - - designated September 15, 1980.

For a complete listing of historical markers erected by the Historical Society of Rockland County, refer to the files of the Historical Society of Rockland County.

Historic Districts

The Village of Haverstraw does not have an Historical Resources Committee or Historic Review Board. However, two areas within the Village contain a number of properties that have been considered for designation on the State or National Register of Historic Places, as indicated in prior master plans of the Village. These include the following:

1. The proposed Haverstraw Downtown Historic District is located within the central business district in the downtown. Buildings included in the district extend along both sides of Broadway from Main Street to Grant Street and Clinton Streets and along both sides of Main Street from Broadway to Rockland Street on the north side of Main Street and up to and including the fourth building past Fourth Street on the south side of Main Street. Also included are the first five buildings from Broadway on the south side of New Main Street. These buildings represent commercial architectural types from the 1850's to the 1950's. The majority of the buildings represent a rich variety of Victorian Commercial stylistic features, including Second Empire and Italianate. Also present are Classical Revival and Greek Revival examples. The mix of period styles, vernacular types and the application of ornament illustrate the evolution of the Village and the History of prosperity in the commercial district. A listing and description of all buildings included in the proposed district are contained in the National Reporter Nomination Form in the office of the Village Clerk.

¹ Telephone interview with John Bonafide of NYS Parks Division for Historic Preservation 4/26/00.

2. The proposed Riverfront Historic District contains 22 buildings or structures located along Allison Avenue and First Street from Broad Street to Canal Street. Out of these 22 buildings, only two are listed on the State and National Registers of Historic Places: the King's Daughters Public Library located at the corner of Main and Allison Streets and the United States Post Office of Haverstraw located at 86 Main Street. According to New York State Parks Division for Historic Preservation, none of the other 20 buildings have been determined to be eligible for listing on the State and National Registers.² Architectural styles represented in this area include Queen Anne, Victorian Eclectic, Italianate, Romanesque Revival, Greek Revival, Hudson River Gothic, Federal and Second Empire.

Although there have been recent examples of renovations, many of the older buildings and structures in the community do not appear to receive special attention, nor are there any apparent efforts to preserve such resources. Creation and designation of these buildings within historic districts could encourage their renovation and preservation. An updated historic inventory is needed since some of the structures identified in OPRHP's 1990 building-structure inventory have since deteriorated or been destroyed by fire. (Refer to Section V of this plan for procedures to assure recognition of historic resources).

C. EXISTING LAND USE

Field surveys and previous studies were used to assemble an inventory of existing conditions and features in the waterfront coastal area. The results of this inventory and analysis are presented below.

Land Use Pattern

The predominant land uses within the Waterfront Revitalization Area are commercial, industrial and residential. In addition, the northerly and southerly ends of the Waterfront Revitalization Area consist of recreational uses (see [Map 1B, General Land and Water Uses](#)). Most of the privately-owned land along the Hudson are industrial sites. Starting at the northern boundary of the Village shoreline, a property owned by Southern Energy, located just west of Bowline Park, contains fuel storage tanks associated with the Bowline Power Plant.

The former Empire Chair Factory is located just south of Bowline Park, though separated by a small channel of water. This property contains the remains of a relatively large industrial building which was in operation until March 1995. A fire in the summer of 1995 destroyed most of the large structure. Vacant waterfront land locally known as the Damiani property separates the former chair factory site and Emeline Park. South of Emeline Park is an open space property and restaurant site jointly owned by the Village of Haverstraw and Scenic Hudson. The area further south contains single-family residences and several vacant lots. In the center of Haverstraw's waterfront are two local marinas: Rockland-Bergen Boat Club with 40 boat slips and a boat launch/ramp, and Haverstraw Elks Lodge with approximately 35 slips.

² Ibid

The formerly industrial site south of the marinas, known locally as the Keahon property, was vacant until recently. Currently it is the temporary site of the Haverstraw Ferry landing. It consists of approximately 256 parking spaces for commuters taking the trans-Hudson ferry service to Ossining. The ferry, a demonstration project, operated by New York Waterways under contract to the Metropolitan Transportation Authority, carries commuters across the Hudson River to Ossining where they take Metro North to Grand Central Station. Directly south, the Rockland Fuel site, vacant since 1995, was formerly used as a fuel storage depot. Adjacent inland sites in the area include two small machine shops, the Village Department of Public Works, and several single-family residences. South of this area is a large vacant parcel which was formerly used for the manufacture of concrete pipe. South of this area is the Tilcon Industries industrial complex, which includes a quarry, a rock processing facility, and an asphalt plant.

Other land uses within the Waterfront Revitalization Area include a restaurant immediately south of Emeline Park, and the Haverstraw Elks Lodge located about 500 feet south of the restaurant. As noted above, Bowline Park is located at the northerly end of the Waterfront Revitalization Area, while a portion of the Palisades Interstate Park is located at the southerly end of the Waterfront Revitalization Area.

Commercial uses within the Waterfront Revitalization Area are concentrated in the central business district, which consists of parts of Broadway, Main Street and New Main Street. The central business district primarily consists of a variety of small retail and personal service establishments. Most of these establishments are oriented to serve the needs of Haverstraw's residents, and do not serve the wider region.

Within the central business district are a number of upper story residences as well as first floor residences that were formerly street level commercial uses. A small area of residences is located along First Street, just west of the Hudson River. In addition, a neighborhood of just over 30 single-family residences is located south of the Tilcon Industries land holdings.

Existing Zoning

The area immediately adjacent to the waterfront, has been categorized into four zoning districts: SP - Special Purpose; WPD - Waterfront Development; PI - Planned Industrial; and R1 - First Residence. The remainder of the Village is zoned a variety of residential districts including a Planned Residential Development (PRD) and various business districts. There is a Central Business District (CBD), Professional Office District (PO), a Highway Business District (HB), and a Mountain Protection Overlay District (M), which works in conjunction with the underlying district to restrict development on areas with steep slopes. See [Map 9, Existing Zoning](#) of the Village of Haverstraw.

The northern and southern most areas of the waterfront have been placed into the SP zoning district. This zoning district was created to permit public parks and recreational facilities, public

schools, public and semi-public uses, and cemeteries. The two SP zoning districts along the Hudson River contain Bowline Park and the large wetland just west of the park, and State parkland in the southerly portion of the Village.

The CBD zoning district is located along Main Street and New Main Street between Maple Avenue and Third Street, and between Main Street and Jefferson Avenue along Broadway. A small area extends just south of Main Street along Broadway, and there is an additional area along Maple Avenue, just south of New Main Street. The purpose of this zoning district is to serve as the primary retail and service center of the community and, as such, to provide employment for Village residents, essential goods and services, and a strong economic base. Permitted uses include:

- Office buildings for professional, government and business use
- Banks
- Social halls, meeting rooms, convention halls and catering facilities, whether commercial or nonprofit facilities
- Schools of special instruction
- Retail stores, newsstands, laundry and dry cleaning establishments, shoe repair establishments, liquor stores, barbers and beauty parlors, photographer's studios, restaurants; and other retail stores and service establishments.

Special permit uses include:

- Dwelling uses located above nonresidential uses
- Temporary trailers for business, office and commercial purposes
- Bars and other establishments serving alcoholic beverages
- Theaters
- Parking lots and parking garages
- Public utility structures and rights-of-way.

The WPD Waterfront Planned Development district is located in the central portion of Haverstraw's waterfront. The purpose of this zoning district is to facilitate the implementation of the Urban Renewal Plan for the Village's Waterfront Urban Renewal Area and this LWRP by permitting uses properly sited and designed in accordance with the Village's objectives as set forth in those plans.

Uses permitted by right and permitted density of development:

The WPD Waterfront Planned Development District is divided into five land use areas - as shown on [Map 9, Existing Zoning](#). The types of uses permitted by right and the maximum density of development of such uses are different in each land use area; provided, however, that in no event shall the maximum aggregate density of residential development on all land use areas exceed 890 dwelling units, of which five percent (5%) of the total aggregate number of dwelling

units constructed shall be affordable rental housing under Village guidelines. The land uses permitted by right and permitted densities are as follows:

1. Land Use Area "A"

a. Uses permitted by right - maximum permitted density of development:

- (1) Multiple dwellings for rental or sale having a clubhouse which may be made available for use by the public and which may include concierge facilities, business offices (for residents only), meeting rooms, recreational facilities including a pool, health and fitness facilities and dry-cleaning drop off only.
 - Maximum permitted development of dwellings: 490 dwelling units; maximum permitted development of clubhouse: 15,000 square feet of floor area.
- (2) Office space and facilities within multiple dwelling buildings and/or within the clubhouse for use by residents of the multiple dwellings on a temporary, as needed basis.
 - Maximum permitted development: 3,500 square feet of floor area.
- (3) Boat club including boat hauling, launching and mooring, and related uses such as boat service facilities, equipment sales facilities, meeting rooms, locker rooms, and eating and drinking facilities including cafes and restaurants.
 - Maximum permitted development: 10,000 square feet of upland floor area.
- (4) Water-dependent uses which are not part of a boat club including boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities.
 - Maximum permitted development: 5,000 square feet of upland floor area.

2. Land Use Area "B"

a. Uses permitted by right - maximum permitted density of development:

- (1) Multiple dwellings for rental or sale with or without a clubhouse which may be made available for use by the public and which may include concierge facilities, business offices, meeting rooms, recreational facilities including a pool, health and fitness facilities, dry cleaning drop-off only, and automatic teller machines.

- Maximum permitted development of dwellings: 250 dwelling units;
 - Maximum permitted development of clubhouse: approximately 3,000 square feet of floor area.
- (2) Office space and facilities for use by residents of multiple dwellings on a temporary, as needed basis.
- Maximum permitted development: 3,500 square feet of floor area.
- (3) Passenger ferry service with docking facilities and related parking.
- (4) Water-dependent uses including boat club, boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities.
- Maximum permitted development: 10,000 square feet of floor area.
- (5) Temporary sales/rental center for dwelling units under construction on Land Use Area A, B and C.
3. Land Use Area "C"
- a. Uses permitted by right - maximum permitted density of development:
- (1) Multiple dwellings for rental or sale.
- Maximum permitted development: 150 units.
- (2) Restaurants with or without catering, cafes, and inns for short-term lodging.
- Maximum permitted development: 50,000 square feet of floor area.
- (3) Water-dependent uses including boat club, boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities.
- Maximum permitted development: 10,000 square feet of floor area.
4. Land Use Area "D"
- a. Uses permitted by right - maximum permitted density of development:
- (1) Multiple dwellings for rental or sale.

- Maximum permitted development: 50 units.
- (2) A children's museum or similar use. [Similar use shall mean an educational or cultural facility that reflects the character and interests of the Village, region and Hudson Valley and will enhance the Village's tourist economy.]
 - Maximum permitted development: no maximum.
- (3) Municipal parking garage.
 - Maximum permitted development: no maximum.
- (4) Retail uses.
 - Maximum permitted development: 15,000 square feet of floor area.
- (5) Permanent municipal commuter ferry docking facility with related parking and a combined ferry, fishing and recreational pier.
 - Maximum permitted development: no maximum.

5. Land Use Area "E"

- a. Uses permitted by right - maximum permitted density of development:

- (1) Multiple dwellings for rental or sale.
 - Maximum permitted development: 10 units.

Waterfront land within the Planned Industrial (PI) zoning district consists of the Tilcon Industries facility. This zoning district permits the following selected uses: light industrial uses, research and development laboratories, offices, and automotive uses as-of-right. Heavier industrial uses including quarries, concrete plants, and bulk oil storage among other uses are permitted by special permit. However, the waterfront area will continue to be used in conjunction with the existing quarry operation into the foreseeable future.

Just south of the PI zoning district is a small pocket of residences in a R-1 zoning district. This zoning district is intended to permit the development of single-family dwelling units, along with a number of compatible uses that include churches, parks and playgrounds, schools, museums, libraries, community centers, and fire, police and similar public buildings.

The zoning regulations of the Village are a significant tool in the implementation of the Village of Haverstraw LWRP. The WPD Waterfront Planned Development District, that covers much of the Village's waterfront area, provides a coordinated planned approach for redevelopment that recognizes the traditional residential and commercial uses in the surrounding residential and

downtown business district neighborhood and the potential for redevelopment on vacant, underutilized or deteriorated waterfront sites.

D. VACANT, UNDERUTILIZED OR DETERIORATED SITES

The following is a listing and description of vacant, underutilized and deteriorated sites within the Village's waterfront area. These sites are identified on [Map 4, Selected Existing Conditions](#).

1. The Warren Court property, formerly a residential site, requires approximately \$300,000 in environmental remediation prior to redevelopment. A Brownfields pilot grant has been applied for under the Environmental Protection Agency.
2. The former site of the Empire Chair Factory is currently not in use. The company was closed for business in March, 1995, and the site is currently for sale. The site contains the remains of a relatively large industrial building, which occupies much of the property. It is ideal for a mixed-use, residential, commercial/retail development that would allow public access to the waterfront and enable the greenway path/or riverfront promenade to reconnect the Village, particularly the downtown, with its waterfront.
3. There is a vacant 1.5-acre parcel located between the former Empire Chair factory property to the north, and Emeline Park to the south, known as the Damiani property. The property is currently vacant, although there are some old pier footings that extend about 250 feet into the Hudson River. The property does not have direct access to the public street system, but rather appears to have an easement over adjacent land owned by the local library. While the Parks and Open Space Implementation Plan of 1995 recommends the acquisition of this property by the Village to expand the area of Emeline Park, the goal of park expansion has been accomplished with the site immediately south of the park acquired by the Village and Scenic Hudson.
4. The site south of Emeline Park, owned by the Village and Scenic Hudson, offers opportunities for expansion of the waterfront park. A portion of the site is occupied by Civile's Restaurant, a tenant of the Village.
5. The 6.5-acre property just north of the Rockland Fuel Company, in the industrial area east of West Street, was vacant and deteriorating until recently. In the summer of 2000, the site was developed for parking for 250+ cars to serve ferry service being provided by New York Waterways as a demonstration project of the Metropolitan Transportation Authority (MTA) between the Village of Haverstraw and the Village of Ossining with connection to New York City via Metro North or to the rest of Westchester County by bus.

These uses will be directly affected by transportation improvements to Short Clove Road, which has traffic volume limitations due to its alignment with respect to Route 9W. The New York State Department of Transportation is in the process of advancing the

improvement project which calls for the provision of a climbing lane on Short Clove Road, the widening of Route 9W and signalization of the Short Clove Road/Route 9W intersection.

6. The Rockland Fuel site, used as a fuel storage depot until 1995, still contains deteriorated buildings and tanks that contribute to the general appearance of blight and deterioration in the waterfront area.
7. The Village Department of Public Works (DPW) site is an underutilized site at a waterfront location. It is proposed as part of this LWRP that the DPW facility be relocated to a non-waterfront location with all appropriate measures taken to ensure alignment with DPW's existing programs and proper relocation including the storage of salt and other materials.
8. The property that lies between the above-noted waterfront industrial area and Tilcon Industries is currently vacant. The site was formerly used for the manufacture of concrete pipe. The site was approved for a townhouse development a few years ago, but the project was not constructed. The County at one time considered the site for a County recycling facility. This site provides an opportunity to improve public access to the waterfront and create public amenities that would benefit the entire Village.
9. The 7.2-acre property owned by Tilcon Industries, located east of the CSX railroad tracks and west of West Street/Short Clove Road, is vacant and underutilized. Part of this site could be utilized for the new DPW facility.
10. A variety of small parcels located in the local waterfront area are vacant and underutilized or contain deteriorated, dilapidated, and obsolete buildings. These parcels contribute to the general appearance of blight and deterioration in the waterfront area.

E. WATER DEPENDENT AND WATER ENHANCED USES

Water-dependent uses are those uses which require waterfront sites, while water-enhanced uses are uses that have no critical dependence on a waterfront location but where inherent

value, both economically and aesthetically, increases significantly when located adjacent, or has visual access, to the waterfront.

Water-Dependent-Uses

1. The commuter passenger ferry provides a water-dependent use. Haverstraw-Ossining ferry service and related parking is available during morning commuter peak hours with return service available during evening commuter peak hours. From Ossining, Metro North commuter train service is available directly to Grand Central Station in New York City.

2. The Southern Energy Power Plant is a water dependent use because it requires large amounts of water for its operation. A portion of the facility containing fuel tanks is located in the northerly portion of the waterfront area. On March 20, 2000, Southern Energy Bowline, L.L.C. filed an Article X Application for the construction of an additional 750 megawatt combined cycle generating unit in the Town of Haverstraw's coastal area. The proposed Bowline Unit No. 3 facility would be built on the existing Bowline Point Power Plant site, adjacent to the existing Bowline Units 1 and 2 located at the northern boundary of the Village shoreline. The power plant is generally a negative aesthetic and environmental factor in the Village. Intakes in Bowline Pond may be causing accelerated shoreline deterioration.
3. The two local marinas in Haverstraw provide a water-dependent use. The Rockland-Bergen Boat Club has 40 boat slips and a boat launch/ramp. The Haverstraw Elks Lodge has approximately 35 slips. Neither of these marinas have fueling capabilities or pump-out facilities. Use of these marinas is restricted to club members. The Rockland-Bergen Boat Club has approximately 40 members and the Haverstraw Elks Lodge has approximately 1,300 members.
4. The Tilcon Industries site is a water-dependent use because it utilizes shipping facilities on the Hudson River.

Water-Enhanced Uses

5. Bowline Point Park is a water-enhanced use. Residents of the community use the park for passive and active recreation.
6. Emeline Village Park is a water-enhanced use. Village residents use the park for passive and active recreation. The Village is completing the first phase of its projected improvements to the park including reconfiguring walkways and parking areas. Funding will come from the Village's capital improvements program and from the New York State Department of Parks and Historic Preservation for improvements and park expansion to the south. Refer to Appendix D, Emeline Park Improvements Plan.

F. WATERFRONT ACCESS

Public access to the Hudson River is essentially limited to three different types: Village parkland, local marinas, and commuter ferry service. See [Maps 5 and 5A](#). Each type of facility offers a different range of facilities.

Riverfront Access and Recreation Sites

1. Bowline Point Park - picnicking, tennis, swimming pool, handball courts, scenic vistas and panoramic views. Both Town residents and non-residents must pay a fee to use the

facilities. While located in the Village, this park is owned and maintained by the Town of Haverstraw. The Bowline Pond Trailway allows the general public to come right up to the Hudson River's course. A feasibility study should be conducted to evaluate the potential for development of a pedestrian bridge over Bowline Pond connecting Bowline Park and the former chair factory property to the south.

2. Jefferson Street Park - also known as Landslide Memorial Park. The one-half acre site located at the end of Jefferson Street contains a children's playground, sitting benches, and two handball courts.
3. Emeline Village Park - exhibits, hiking, picnicking, scenic views, unofficial walking trail to the Hudson River and beach (south side), unofficial dock and fishing (north side).
4. Local marinas - There are two marinas located in a small cove just north of the Village Department of Public Works Facility. These marinas provide moorings for about 75 privately owned boats. Use is restricted to individuals that rent the use of the facility.
5. Ferry - The Haverstraw Commuter Ferry with docking facilities and related parking is convenient and accessible to local residents and to the downtown area. The pilot service began in September of 2000, offering passenger ferry service between the Village of Haverstraw and the Village of Ossining in Westchester County during weekday peak commuter hours. From Ossining, train service is available directly to Grand Central Station in New York City. The availability of commuter ferry service is an opportunity to draw new residents and visitors to the Village and its waterfront.
6. Dutchtown Playground - The playground consists of approximately one acre located along Riverside Avenue immediately south of Tilcon's overhead conveyors. The site contains children's playground equipment and a basketball court. This recreation site provides residents of the residential area located immediately south along Riverside Avenue a place in which to relax and play along the waterfront.
7. Palisades Interstate Park, land located in the extreme southern end of the Village along the Hudson River shoreline, includes a Greenway path connection to Hook Mountain State Park. The undeveloped parkland includes a stone beach. The Village proposes improved lighting and overall maintenance of State Park land surrounding the path and consideration of erosion control measures.

G. SOILS

The formation of soils is affected by five factors. These are: parent material, climate, time, topography and biologic activity. In the Village of Haverstraw, the parent material from which the soils were formed was deposited by the glaciers, which covered this part of the world some ten thousand years ago. This material was a ground-up mixture composed primarily of sandstone

and granite. The particles vary in size from boulders two feet or more in diameter to microscopic grains. Where the ice was relatively thin, as on the top of the Ramapo Mountains, the deposit varied from tens to hundreds of feet in thickness.

As the weather warmed up and the glacial ice melted, the waters from the melting ice eroded some of this material and deposited it in layers of varying extent and thickness along the channels that were being established. The speed at which these waters moved was influenced by the topography at the time and the amount and nature of the vegetation that developed. The speed of the waters determined the nature of the soil material removed from one place and deposited in another.

The soils in the Village of Haverstraw today are a result of this prehistoric activity and the intervening time in which development took place. Since the development of the Village, the natural soil conditions have been altered and, in some places, are no longer present.

The soils in the Village can be divided up into four general patterns or soil associations. Knowledge of these patterns, along with the nature, advantages, and limitations of soils, is invaluable for broad-based advanced planning. Through this information, conclusions can be drawn as to depth to bedrock, drainage, and perhaps the availability of construction material.

Each of the soil associations is identified by the name of the dominant soil, which form a pattern. These soils comprise at least half of the area in each pattern. Soils that vary from the dominant ones, in one or more characteristics, do exist in each pattern. Some of these variations are indicated in a general manner, but their extent can be obtained only from a more detailed soils study.

The two soil types found within the waterfront coastal area are as follows:

1. Holyoke-Wethersfield-Rock Outcrop:

Predominantly rolling to very steep, somewhat excessively drained and well drained soils that are shallow and very deep over basalt, red sandstone, or shale; and areas of rock outcrop on uplands. They have brown or reddish brown friable surface soils and subsoils. The rock fragment content is very high and bedrock outcrops occupy up to fifty percent of the surface. The slope is mainly 8 to 35 percent but ranges from 5 to 50 percent. The water table is at a depth of more than six feet. They are found on the sides of hills and ridges, along with the ridgetops.

2. Udorthents-Ipswich:

Nearly level and gently sloping, somewhat excessively drained to moderately well drained and very poorly drained soils formed in mixed material of organic material along the Hudson River. Slopes are predominantly 0 to 3 percent, but are as much as 8 percent in some areas. Udorthents soils are used for landings and industrial sites located along the Hudson River. Ipswich soils are

in tidal marsh areas and are subjected to daily inundation by tides. The water table for most of the year is between one foot below the surface and one foot above the surface. Areas of Ispwich soils have good potential for wetland wildlife habitat. The Udorthents areas are so variable that on-site investigations are required to determine tier suitability for any use.

To utilize a site properly, it is necessary to know as much as possible about the soils that are present. Detailed soils maps portraying the individual soils are available at the Rockland County Soil and Water Conservation District office. The ultimate purpose of a detailed soil survey is the application of the acquired soil knowledge to guide proposed land use and development. Since much of the land within the waterfront coastal area is disturbed land, the descriptions of soils should serve as a guide to the type of structures that can be supported. Existing development suggests that soils do not pose any insurmountable restrictions for development within the waterfront coastal area. However, substantial clay content in soils along the Haverstraw waterfront is a significant factor affecting the cost of waterfront redevelopment.

H. FLOODPLAINS

Floodplains, which often coincide with wetlands, are protected under regulations promulgated by the Federal Emergency Management Agency (FEMA) and local municipalities. According to maps produced by FEMA, several 100-year floodplains exist within the Village. The largest coincides with the Minisceongo Creek basin, located east of Samsondale Avenue and west of Bowline Point Park. An additional 100-year floodplain includes a significant portion of Bowline Point Park. Another significant area is located in the vicinity of the former Rockland Fuel Company site. The remaining 100-year floodplains are narrow strips of land adjacent to the Hudson River.

All development within the Village's flood hazard areas is regulated by the Village's Flood Damage Prevention Law, which is in accordance with all provisions of the National Flood Insurance Program Standards. Any future development within flood hazard areas should be undertaken in accordance with local and national requirements, some of which are incorporated into the Village's Zoning Code. Refer to [Map 2, Development Considerations](#).

I. SURFACE DRAINAGE

Several major drainage basins lie partially or wholly within the Village of Haverstraw. The Minisceongo River Drainage Basin is the largest drainage basin in Rockland County, covering an area of approximately 19 square miles. The river runs along the northern boundary of the Village and flows along the gentle slope of the Village into the tidal marshlands along the Hudson River.

The Minisceongo Creek - Sparkill Creek Drainage Basin consists of a narrow strip of coastal land bounded by the outlets of the Minisceongo Creek and Sparkill Creek and the eastern part of the Hackensack Basin. On the whole the Minisceongo Creek - Sparkill Creek Drainage Basin

covers 5.6 square miles and drains the southern and eastern part of the Village of Haverstraw as well as parts of Clarkstown and Orangetown.

The Hackensack River Drainage Basin lies outside the Village of Haverstraw, but has its northern boundary on South Mountain in the Village of Haverstraw.

These areas have little affect on developed areas of the waterfront area. Care should be taken to ensure that any future development does not disrupt any remaining existing natural drainage channels.

J. WETLANDS

Wetland areas of greater than 12.4 acres are mapped by the New York Department of Environmental Conservation (DEC), and are protected under State freshwater wetland laws and regulations. There are no DEC designated wetlands within the Village. Smaller wetland areas are subject to regulations of the Army Corps of Engineers. The Village of Haverstraw does not have a wetlands ordinance.

The only wetland area within the Village lies in the northeast section, along the Hudson River to the west of Bowline Point Park, adjacent to the facilities of Southern Energy. This wetland is part of a larger tidal marsh, which extends into the Towns of Haverstraw and Stony Point, and corresponds to the 100-year floodplain. The wetland is permanently saturated and is flooded for most or all of the year, and therefore acts as a natural retention basin for the storage of floodwaters. The wetland area generally abounds with wildlife, being a natural habitat for many species of bird life, insect, amphibians, and reptiles. Generally, wetland areas are considered unsuitable for development as any alteration can damage the sensitive ecology of the area. This wetland area is surrounded by an undeveloped strip of land owned by Southern Energy. The narrow width of this property precludes any future development within this area, therefore, wetlands appear to pose little limitations for development within Haverstraw's local waterfront area.

K. UTILITIES

Energy

Orange and Rockland Utilities, Inc. (O&R) is the service provider for both electrical and natural gas service in the Village. Southern Energy is the energy provider. The principal generating plants are the Lovett facility in Tompkins Cove and the Bowline facility located just west of Bowline Park in the northern portion of the Village, which is owned by Southern Energy. Both plants use fossil fuels.

Southern Energy is currently in the application stage to site a 750 megawatt combined cycle generating unit at the Bowline Point site. The proposed Bowline Unit 3 facility would be built on the existing Bowline Point Power Plant site, adjacent to the existing Bowline Units 1 and 2.

Water Supply

Water is supplied to the Village by United Water Resources, a publicly-owned utility company and the largest supplier of water in Rockland County. Most of the water supplied by the company comes from area streams and underground wells. Sources of water located throughout the County can provide adequate reserves to meet the present demand.

Sewage Treatment System

The Village of Haverstraw lies entirely within the Haverstraw Joint Regional Sewer District service area. All inhabited areas in the Village are served by sanitary sewers. The Palisades Interstate Park, in the western portion of the Village, is unsewered. The sewage is collected by gravity through an underground pipe network to a sewerage pump station on Dr. George Girling Drive. From there the sewage is pumped to the Joint Regional Sewerage Treatment Plant in the unincorporated section of the Town of Haverstraw, with the effluent discharged into the Hudson River. The design capacity of the Joint Regional Sewerage Treatment Plant is 8 million gallons per day. It is presently operating at an average daily flow of about 5.34 million gallons. The Haverstraw Joint Regional Plant serves approximately 34,100 people. The plant has a capacity to service a population of up to about 51,100 people.

Existing water and sewer infrastructure within the Village is generally adequate to support further development and redevelopment within the Village.

L. TRANSPORTATION

The main arteries which carry traffic through the Village and connect it with major population, commercial and industrial centers outside the Village include Route 9W which passes through the Village from south to north, and Route 202 which enters the Village on the west and intersects with 9W at Westside Avenue. Route 9W connects to the New York State Thruway and Route 287 just west of the Tappan Zee Bridge, about ten miles south of the Village. Route 202 provides a connection to the New York State Thruway and Route 287 in the Suffern area, which is about 15 miles west of the Village. Route 9W connects the Village with Newburgh and other communities further north along this route, and also connects with Route 6 in the vicinity of the Bear Mountain Bridge. Route 202 crosses the Hudson River at the Bear Mountain Bridge, providing a connection to the northerly portion of Westchester County as well as Putnam and Dutchess Counties.

There are four roads that provide access to the waterfront area from highways that connect Haverstraw to its neighboring communities. These are Short Clove Road, New Main Street, Westside Avenue, and Gurnee Avenue with a one-way railroad tunnel available for cars to pass under. The first three are at-grade crossings, while there is a bridge that carries the rail lines over Gurnee Avenue. Access to the waterfront is also available from Samsondale Avenue through West Haverstraw. Access to the waterfront area is impeded at times while the railroad is in use.

The West Shore rail line, operated by CSX Transportation, transports rail freight through the Village between upstate New York and points in New Jersey where freight either continues along connecting rail lines or is transferred to warehousing points or truck transport for distribution to New York City. At times, trains stop and idle for up to 20 minutes, significantly restricting access to the waterfront area by blocking all at-grade crossings but one.

These roads are in good condition with the exception of Short Clove Road, which is in need of repair due to its constant use by heavy trucks. In addition, the intersection of Short Clove Road and Route 9W is awkwardly laid out, which restricts access from Short Clove Road. The New York State Department of Transportation is in the process of advancing an improvement project for the Route 9W/Short Cove Road intersection. This project calls for the provision of a climbing lane on Short Clove Road and signalization of the Short Clove Road/Route 9W intersection. This will significantly improve the operation of this intersection.

The Village of Haverstraw is served by two New York State Highways, Routes 9W and 202, which have the highest annual daily traffic volumes of Village roadways, over 15,000 vehicles per day. The majority of the remaining principal roads in the Village carry relatively light traffic loads, averaging less than 1,000 vehicles per day.

Traffic volume within the Village is heaviest during the peak commuter hours from 7-9 a.m. and from 4-7 p.m. At present, local roads and streets are generally capable of handling existing traffic; however, in some areas because of the presence of steep grades, narrow roadways, and sharp curves, travel speeds are often slow.

Public Bus Transportation

Public bus transportation includes passenger bus service provided by the Red and Tan Lines, Transport of Rockland and Transportation Resources Intra-County for Physically Handicapped and Senior Citizens, Inc. (T.R.I.P.S.); operated by the County of Rockland. Bus service is available only within the central business district. The Red and Tan Lines provide service on route number 11A and route number 49. Route 11A provides service from Stony Point through Haverstraw, New City, Nanuet and Pearl River to the Port Authority Terminal in Manhattan. The nearest bus stop from the downtown area is located near the intersection of Broadway and Main. Frequent service occurs on a Monday through Friday basis, with hourly service on the weekends. Route 49 is an express bus route for 11A. There are no park and ride facilities in the Village; the nearest facility is the Mt. Ivy area at the intersection of Route 202, Route 45 and the Palisades Interstate Parkway.

The Transport of Rockland provides passenger bus service from all Towns and many Villages, including the Village of Haverstraw, to other areas of the County. Routes 91 and 95 provide service from the Village of Haverstraw. The Route 91 bus stop is located at the intersection of New Main Street and Maple Avenue and the Route 95 bus stop is located at the Intersection of Main Street and Broadway.

Route 91 westbound provides service between Haverstraw and Spring Valley, with several stops in between; running time is one hour and nine minutes. Route 91 eastbound provides service between Haverstraw and Nyack, with several stops in between; running time is thirty-one minutes. Route 95 provides service between Mount Ivy and Haverstraw, with stops in Garnerville and West Haverstraw; running time is seventeen minutes. Buses for all routes operate frequently throughout the day.

During morning rush hours, the Tappan Zee Express Route TZX2 provides service between Stony Point and White Plains in Westchester County with stops in West Haverstraw; Haverstraw; Congers; Valley Cottage; Westchester County Center; White Plains TransCenter (with connecting service available to BEE Line Shuttles and MetroNorth Commuter Railroad); and downtown White Plains. Return service is available during evening rush hours.

Transportation Resources Intra-County for Physically Handicapped and Senior Citizens (T.R.I.P.S) bus service is operated by the County and provides transportation for handicapped and elderly people. Service is provided on a reservation basis.

The Short Line bus company operates a route between New York City and Newburgh. However, the nearest stop is at Samsondale Plaza in West Haverstraw.

Rail/Ferry Transportation

The Metro-North Commuter Railroad, a division of the Metropolitan Transit Authority, in cooperation with New Jersey Transit, provides rail service from Rockland County to New York City. The closest stations to the Village of Haverstraw are located in Spring Valley and Nanuet. This line is the Pascack Valley Line, which feeds into the Secaucus transfer. Passenger ferry service operates between the Village of Haverstraw and the Village of Ossining in Westchester County, from which train service is available directly to Grand Central Station in New York City. The service began operation in September 2000, and currently services approximately 400 riders daily. The possibility of restoration of passenger rail service is under study on the now freight-only West Shore Line, operated by CSX Transportation, which runs through the Village of Haverstraw.

M. SCENIC RESOURCES

Amongst the widespread development in the Village remain a number of features of outstanding visual quality. Awareness of these scenic resources by Village residents is vital in any effort to preserve these unique areas of Haverstraw. Specifically, these features are the Hudson River and South Mountain.

Local Scenic Resources

The primary opportunities for scenic views of the Hudson River are found close to the river itself, especially at Emeline Park and Bowline Park, where the general public can come right up to the Hudson River's course. The view at this point, which is partially obscured by vegetation, cannot be regarded as panoramic. Views to the river are also found along Shore Clove Road, in the southerly part of the Village, and occasional views to the river are found along some stretches of Route 9W, in the central portion of Haverstraw. Long views to the river are provided by some streets, such as Main Street, that act as view corridors. Opportunities for viewing the Hudson River can be obtained from virtually any area along the River.

South Mountain / High Tor

Haverstraw's highland area is part of the Palisades mountain range and is known as South Mountain. This is a well-defined ridge rising to a height of 827 feet at High Tor. The ridge runs northwest to southeast and forms a sharp escarpment along the Hudson River as the ridge passes the south border of the Village. The scenic resources of South Mountain form a stunning backdrop for the Village. Views to and from South Mountain should be protected.

Long Path / High Tor State Park

A view of almost the entire Village is possible from the Long Path as it passes through High Tor State Park.

Route 9W Scenic Overlook

In the southerly portion of the Village, vehicles can pull over along the northbound shoulder of Route 9W to gain a widespread view of Haverstraw Bay, the widest portion of the Hudson River, and Westchester County beyond. The scenic overlook has a parking area approximately 500 feet in length that can accommodate up to 50 cars. During the spring, summer and fall months, a hot dog truck is often present, where travelers and tourists stop for lunch.

Residential areas west of Route 9W

The residential areas of the Village, between Route 9W and High Tor State Park, have spectacular views of the river.

Negative Visual Elements

Recommendations to improve visual access to the river from parks and playgrounds are contained in the "Recreation and Open Space Program" in this document. These recommendations include the refurbishment of the Route 9W scenic overlook, which offers views of Haverstraw Bay and the Westchester County waterfront. Where new development or

changes in land use are proposed within sight of or adjacent to the Hudson River, the Village will diligently pursue the protection of visual access to the waterfront. (See [Map 6, Scenic Resources](#).) Further, through zoning and site plan review, view access corridors will be protected through the required submission of view protection plans.

The Rockland Fuel site once contained derelict buildings and above ground storage tanks. However, in May 2003, the Developer acquired and began dismantling the tanks. The site is now vacant with no remnants of the negative visual element. In addition, the plans are in place for a planted buffer or "vegetative berm" that will have a minimum width of 100 feet to screen all aspects of this Tilcon Mining Operations.

N. UNDERWATER LANDS

The Public Trust Doctrine is a set of American property law principles that defines the nature of public and private interests in lands beneath "navigable waters," including those subject to the ebb and flow of the tides. The Hudson River, which is tidal to the Federal Dam at Troy, falls under the Public Trust Doctrine. The doctrine, derived from ancient and English common law principles, provides the historic understanding that the air, the running waters, and the sea are common to all people, guarantees the public's right to reach and use tidal lands and waters. The doctrine serves two functions. The first is to define the geographic extent of public ownership of lands under water. In New York State, the boundary is the mean high water line. Therefore, the State has sovereign control and ownership of the foreshore, tidal waters and submerged land under tidal waters - below the mean high water line.

The second primary function of the Public Trust Doctrine is to define the nature of the State's ownership interest in these lands. The State holds title to these lands as trustee for the public, and must administer the use of these lands in the public interest. In New York State, the courts have established that uses including navigation, commerce, and fishing as well as recreation and ecological preservation, are valid uses of public trust lands and waters. When the tide is in, the public has the right to use public trust lands for swimming, fishing, boating and other lawful recreational activities. When the tide is out, the public has the right to gain access to these lands to lounge or walk along the foreshore.

Property owners whose lands abut public trust resources have rights such that the public cannot access public trust land across private land without the owner's permission. Additionally, these property owners possess riparian rights to the Hudson River entitling them to access navigable water. These rights are limited as to the type of use, which may be placed in the water, and they must be reasonably exercised. By the nature of location over the water, the exercise of these rights almost always interferes with public use of the water and lands subject to the Public Trust Doctrine.

In New York State, adjacent upland owners can also apply to purchase or lease underwater lands. During the 18th and 19th centuries, the State of New York sold large expanses of public trust

lands and waters to adjacent land owners to promote the development of commerce. In many cases, these owners placed fill in the Hudson River to create new land. In more recent years, private uses of public trust waters include marinas, commercial fishing operations, and docks and piers for shipping, and recreational boating. For the most part, grants were limited and a public interest in the underwater land remains intact. While the courts have consistently recognized the Public Trust Doctrine as a sovereign right held for the people, they have also recognized the validity of grants of public trust land to riparian owners. The courts have held that where some types of grants have been made by the State without any express reservation of the public rights, the public trust and accompanying public rights are extinguished, although the State may still regulate such lands under its police power and may authorize local governments to do so as well. The courts have also held that some grants may be invalid if the grant is not in the public interest.

There has been a recent emphasis on the importance of the public's right to access and enjoy Public Trust lands as a recreational resource and the use of the Public Trust Doctrine to better protect New York's coastal areas and their living resources. The use of trust lands by the public generates billions of dollars for the State economy. The foreshore and underwater lands of the coast are used for recreation, boating, fishing, swimming, and visual enjoyment. The tidal areas provide habitat and breeding areas for shellfish and finfish of commercial and recreational importance. Private actions that interfere with these activities diminish the public's use and enjoyment of these vital public resources.

In 1992, the NYS Legislature passed Chapter 791, codifying, in part, the public trust in underwater lands. The Legislature found that regulation of projects and structures, proposed to be constructed in or over State-owned land underwater, was necessary to responsibly manage the State's proprietary interests in trust lands. Additionally, the regulation would severely restrict alienation into private ownership of public trust lands owned by the State. The intent of the Act was also to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The Legislature stated that use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

An accurate inventory of the public trust lands and those lands that have been leased or granted to private interests within the Village of Haverstraw is very important since the ownership of underwater lands may have an important impact on the ability to implement some of the policies of the Village's LWRP. Before considering any development activity or land purchases along the waterfront area, prospective developers and owners are advised to check on the ownership of the adjacent underwater lands. This must be done at the NYS Office of General Services (OGS) office in Albany. OGS is the administrator of State lands, including underwater lands, and maintains a series of "Water Grant Index Maps" that identify lands within State ownership, as well as grants, easements, and leases previously issued by the State to various public and private entities.

Municipal, State, and federal agencies should consider the public's rights under the Public Trust Doctrine during their regulatory review of development proposals. In many cases it can provide a rationale for modifying or denying permits when an activity would impair public trust resources or if the use is inconsistent with the Public Trust Doctrine. It is important to understand the nature of the ownership of underwater lands since existing State grants, easements and leases to upland owners for use of public trust lands do not necessarily extinguish the public's rights to use these resources. Remaining public rights depend on the specific grant, easement or lease and in some cases require judicial interpretations. In addition, the federal government has tremendous powers under the Federal Navigation Servitude to regulate, and even absolutely prohibit, activities in the navigable waters of the United States, which includes the Hudson River.

O. SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Haverstraw Bay is designated by the State as a “significant coastal fish and wildlife habitat”. It extends approximately six miles on the Hudson River, from Stony Point to Croton Point, in the Towns of Stony Point, Haverstraw, and Clarkstown, in Rockland County, and the Town of Cortlandt, in Westchester County. Refer to [Map 3, Haverstraw Bay Coastal Area](#).

This coastal fish and wildlife habitat encompasses the entire river over this approximate six mile reach, which is the widest section of the Hudson estuary. Haverstraw Bay has extensive shallow areas (less than 15 feet deep at mean low water), which deepen to a navigation channel (which is dredged to maintain a depth of about 35 feet) in the western half of the area. During much of the year, this area is the place where freshwater from the upper river mixes with salt water from the Atlantic, producing predominantly brackish water habitats, with salinities varying from 0-10 ppt. The land area surrounding Haverstraw Bay supports a variety of land uses, including industrial, commercial, residential, and recreational developments, as well as vacant and underutilized land, although undeveloped forestland also remains.

Habitat disturbances, such as dredging, shoreline filling and bulkheading, waste disposal, and pollution from upland and in-river sources, have all been significant at some time during the recent history of this area.

Despite various habitat disturbances, Haverstraw Bay possesses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River estuary. The regular occurrence of brackish water over extensive areas of shallow bottom creates highly favorable (if not essential) conditions for biological productivity within the estuary, including submergent vegetation, phytoplankton and zooplankton, aquatic invertebrates, and many fish species.

Although the location of the salt front varies annually (and seasonally), Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, American shad, white perch, tomcod, and Atlantic sturgeon that are produced in the Hudson River. Other anadromous

species, such as blueback herring and alewife, spawn in upstream freshwater areas, but move south and concentrate in this area before leaving the river in the fall.

Haverstraw Bay is also a major nursery and feeding area for certain marine species, most notably bay anchovy, Atlantic menhaden, and blue claw crab. Depending on the location of the salt front, a majority of the spawning and wintering populations of Atlantic sturgeon in the Hudson River may reside in Haverstraw Bay. Shortnose sturgeon (E) usually winter in this area as well. Significant numbers of waterfowl may occur in Haverstraw Bay during spring (March-April) and fall (September-November) migrations, but the extent of this use is not well documented.

Haverstraw Bay is a critical habitat for most estuarine-dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and forage fish species. Consequently, commercial and recreational fisheries throughout the North Atlantic depend on, or benefit from, these biological inputs from the Hudson River estuary. New information regarding sub-aquatic vegetation beds and related habitat values at Bowline Pond and along the Riverfront has been studied by NYSDEC. At the time of this writing, such data is not yet available to the public. When it becomes available, the village will study and consider its impact on the Hudson River and Bowline Pond.

P. WATER QUALITY

Water Quality Standards for the Hudson River

The Hudson River is the dominant watercourse in the Village of Haverstraw. The river is a partially stratified estuary with hydrodynamics characterized by river geometry, freshwater inflow, tidal motion and a density induced circulation. Haverstraw Bay lies immediately offshore from the Village.

The Hudson River has been classified for water quality standards by two separate governmental agencies - the Interstate Sanitation Commission (ISC) and the New York State Department of Environmental Conservation (DEC). DEC requirements are more stringent than ISC standards and are directly applicable to the study area.

Interstate Sanitation Commission

This tri-state commission sets standards for Hudson River waters. Hudson River water is rated "Class A" and has the following requirements: designate used in recreation, shellfish culture and development of fish life. The ISC requirements for treatment of sewage discharged into "Class A" waters are less stringent than DEC requirements. The best usage of "Class A" waters is identified as a source for drinking water, culinary or food processing purposes, and any other usages. Such waters, subjected to approved treatment equal to coagulation, sedimentation, filtration and disinfectant, with additional treatment if required to reduce naturally present

impurities, would meet New York State Department of Health drinking water standards and would be considered safe and satisfactory for drinking water purposes.

Department of Environmental Conservation

The quality of water resources are defined in terms of chemical, physical, and biological characteristics which, in turn, relate to the water's acceptability for its intended use. The DEC has classified all streams, lakes and rivers according to best use. The classifications are used to regulate water quality and enforce water quality standards. The water quality classifications used by DEC are as follows:

Class AA Source of water supply for drinking, culinary or food processing purposes and any other usage.

Class A Source of water supply for drinking, culinary or food processing purposes and any other uses with treatment.

Class B Primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes.

Class C Suitable for fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes.

Class D Suitable for secondary contact recreation but will not support the propagation of fish.

The DEC has classified the reach of the Hudson River adjacent to Haverstraw as "SB." This classification is the same as "Class B" above, except that the "S" simply identifies that the water is brackish or saline.

Water quality standards established by DEC for particular constituents are presented below for "SB" waters.

Total Coliform: 2400/100 ML

Total Coliform: 200/100 ML

Dissolved Oxygen: 5.0 ML

Any uses along the Hudson River that would raise the coliform counts or reduce the level of dissolved oxygen would be in violation of these standards and subject to penalties. Under the present standard, the waters of the Hudson River in the vicinity of Haverstraw meet the standards for public swimming areas.

Rivers, streams and lakes in the planning area have been classified for water quality by the DEC. That portion of the Minisceongo Creek that is tidal is classified "I" indicating that the water is

suitable for secondary contact recreation and any other usage except for primary contact recreation and shellfishing for market purposes. The lower marsh and freshwater portions of the Minisceongo Creek are class "D" waters.

In general, sources of pollution to waterbodies may be classified as either point or nonpoint. Point sources are discrete sources of pollution sewage or industrial effluent. Nonpoint pollution enters the waterbody from more diffuse sources, such as runoff from streets. Historically, pollution control has focused on point sources since these are more often readily apparent. Since the Federal Water Pollution Control Act was passed in 1972, significant progress has been made in controlling pollution from point sources, yet more remains to be done.

Those point and nonpoint sources of pollution that have degraded and continue to degrade the water quality of the Hudson River include storm water run-off, industrial discharges and leaks from petroleum and chemical storage tanks, discharges from sewer treatment plants, pollution from marinas and boats, agricultural fertilizers and pesticides, and construction site run-off.

In the Village of Haverstraw water quality impairments could result from any of the above sources of pollution. The Village of Haverstraw recognizes the need to maintain high water quality in Haverstraw Bay and adjacent portions of the Hudson River.

Q. HAZARDOUS WASTE SITES

Two sites are located in the Town of Haverstraw, just north of the Village of Haverstraw: the former Haverstraw Village Landfill and the Hi-Tor Industrial Park. The former Haverstraw Landfill is located along Grassy Point Road and consists of a 40-acre sanitary landfill operated from 1969 to 1996. Hazardous waste deposition has not been confirmed at the site, though industrial waste and industrial sludge is suspected to be present. The Town has ceased operating on the site and municipal waste is now taken to Pennsylvania, where various sites are used. The Haverstraw Village Landfill and the Hi-Tor Industrial Park are located outside the Village's local waterfront area, and do not have a direct affect on its development.

The Hi-Tor Industrial Park consists of a 2 ½ acre open dump operated by U.S. Plastics from 1959 to 1971. Methyl methacrylate was manufactured at the site from scrap plastic. Chemical waste from the manufacturing operations was stored on site in slop tanks. On April 29, 1983, the new owners excavated the tanks and spilled the chemical sludge onto the ground. This caused severe odor problems in the area. A consent order was executed for a field investigation and monitoring wells have been installed.

Approximately 40 cubic yards of sludge and contaminated soil were removed on May 31, 1983, by the owner. Groundwater contamination has been suspected. Field investigation reports have been submitted and approved.

Inspections of this site by the DEC and Rockland County Health Department staff have indicated that the monitoring wells for this site may be damaged and additional drums of unknown contents may be on site.

Hazardous waste confirmed at the site include: methyl methacrylate, phenol, lead, benzene, ethylbenzene and chlorobenzene.

These areas are located well outside of the Village of Haverstraw, and do not pose any restrictions on the future development of its waterfront coastal area.

R. KEY WATERFRONT GOALS

The main goals prevalent in the Village of Haverstraw for waterfront revitalization and greenway development are:

- Restore and revitalize underutilized waterfront sites;
- Restore and revitalize the underutilized downtown area;
- Improve existing and provide additional public recreation facilities and provide additional public access and recreation opportunities to the waterfront and other areas of the Village;
- Link public sites along the waterfront and throughout the Village;
- Utilize the waterfront as a resource for alternative transportation modes;
- Protect and improve the Village's natural resources; and
- Provide opportunity to expand the range and diversity of housing and residential environments within the Village.

Redevelopment and Revitalization

It is economically advantageous to revitalize the underutilized and/or deteriorated waterfront industrial sites to new water-dependent and water-related or enhanced uses. Residential uses that would reconnect the Village of Haverstraw, particularly the downtown, with its waterfront should be considered.

The vacant 1.5-acre Damiani property is proposed for future development of a combination recreation and ferry pier and parking structure. This would establish a significant long-term water-dependent use along the Village's waterfront.

The Rockland Fuel site, formerly used as a fuel storage depot, still contains deteriorated buildings and tanks that contribute to the general appearance of blight and deterioration in the waterfront area.

The Village Department of Public Works (DPW) facility should be relocated to a non-waterfront location, with all appropriate measures taken to ensure proper relocation and storage of salt and other materials. The current site is underutilized and offers potential for redevelopment.

The property that lies between the former Rockland Fuel site and Tilcon Industries is currently vacant. The site provides an opportunity to improve public access to the waterfront and create public amenities that would benefit the entire Village.

Increased Public Access and Recreation Opportunities

Increasing public access and recreation opportunities will open up the use of the Village's waterfront for residents and tourists alike. Existing public access to the waterfront is limited to the public parks: Emeline Village Park, Bowline Town Park, and the small portion of Hook Mountain State Park located in the extreme southern end of the Village. Access to Emeline Park and the Palisades Interstate Park (PIP) land is limited by the availability of parking, and Bowline Park is accessible only through the Town of Haverstraw. Additional access is provided at the private marinas, but access is limited to the members of the public who moor their boats at these facilities. The Village does not have a public boat launch or a waterfront promenade. Bowline Pond offers potential for development as a marina location. A public recreation pier, which would provide additional fishing opportunities along the riverfront, may be combined together with the proposed ferry pier immediately north of Emeline Park.

The revitalization of Emeline Park is a key waterfront issue. The park needs to be updated with a tie-in to the recently Village acquired Civile's Restaurant site, south of the park. Additional parking on the expansion parcel will also enhance accessibility to the park and the Village's waterfront. The beach should be rehabilitated for sunbathing, swimming and other public uses. Improvements to Emeline Park are virtually complete. Work began in the Fall of 2000. Refer to Appendix D, Emeline Park Improvements Plan. This plan includes expanded and improved children's play area, and sitting and walking areas to enjoy the riverfront setting.

A recognition of the Village's historic character would help foster tourism opportunities. The Village needs to attract visitors on its own merits - as a destination point. Cultural activities should be encouraged including the relocation to the Village of Haverstraw of the Hudson Valley Children's Museum (HVCM). As of this writing, the HVCM is negotiating a 99-year lease with the Village for specific acreage in Emeline Park. Such land and the construction of a new approximately 35,000 square feet building will secure adequate space for their expanding educational and agricultural programs that focus on the Hudson River. Haverstraw was one of the pre-eminent brick making communities in the country. Its role in America's industrial history is well established and needs to be memorialized for future generations. The Haverstraw Brick Museum's continued operation in the area will also accomplish this purpose.

Link Public Sites Along the Waterfront

In addition to the redevelopment of derelict industrial sites with water-dependent and water-enhanced uses, the revitalization of the central business district or downtown should provide a pedestrian friendly streetscape and linkages between the riverfront and the downtown area. Linkages may include encouraging businesses that serve users of the waterfront to locate

within the downtown area, public improvements that accentuate visual connections between the two areas, signage that directs the general public to the central business district and the waterfront, and community activities that range between these areas such as street fairs or festivals. As part of any revitalization effort, the Village should capitalize on its many ethnic attributes. A building facade improvement program and parking improvements are important to this revitalization effort.

Physically, the riverfront promenade, recreation piers, and the various paths linking the waterfront to downtown will provide physical links as well.

Utilize the Waterfront as a Resource for Alternative Transportation Modes

The Keahon site, north of the former Rockland Fuel Company site, was recently prepared or use for a temporary ferry terminal and associated commuter parking providing Haverstraw to Ossining ferry service. This presents an opportunity to utilize the waterfront as a resource for alternative transportation modes and to draw new residents and visitors to the Village and its waterfront. The waterfront promenade would continue along the site and to the south. Improving infrastructure, as well as focusing on the historic aspects of the Village of Haverstraw is important in the waterfront revitalization effort and tourism development.

Protect and Improve Natural Resources

The protection of the Village's natural resources such as Haverstraw Bay and the scenic attributes of the High Tor area should be preserved. Haverstraw Bay is a State-designated Significant Coastal Fish and Wildlife Habitat. As such, it deserves special treatment from the upland uses. Non-point source pollution, particularly in the form of sheet erosion due to the topography of the Village, needs to be controlled.

The scenic resources of Haverstraw Bay and the ridge of South Mountain (High Tor) form a stunning backdrop for the Village. Any future development in the Village should be undertaken in a manner that recognizes these important scenic resources, and all reasonable efforts should be made to harmonize with the visual character of the landscape.

**SECTION 3
LOCAL WATERFRONT REVITALIZATION PROGRAM POLICIES**

DEVELOPMENT POLICIES

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

POLICY 1A RESTORE, REVITALIZE, AND REDEVELOP THE VILLAGE'S CENTRAL BUSINESS DISTRICT WITH EMPHASIS ON STABILIZING AND STRENGTHENING EXISTING BUSINESSES, FURTHERING A WATERFRONT IMAGE FOR THE VILLAGE AND PRESERVING ITS HISTORIC COMMUNITY CHARACTER.

POLICY 1B ENCOURAGE REDEVELOPMENT OF THE FORMER CHAIR FACTORY SITE, THE FORMER KEAHON SITE, THE FORMER ROCKLAND FUEL SITE AND THE FORMER PIPE MANUFACTURING SITE FOR WATER-DEPENDENT AND WATER-ENHANCED USES INCLUDING MARITIME COMMERCIAL AND TOURIST RELATED USES AND RESIDENTIAL USES THAT WILL RECONNECT THE CENTRAL BUSINESS DISTRICT WITH THE WATERFRONT.

Explanation of Policy

The Village of Haverstraw has a number of underutilized and deteriorated sites that can be redeveloped. Most of these sites are directly located adjacent to the Hudson River. The various waterfront area land uses should be integrated to provide recreational and public access opportunities, and preserve waterfront lands through the development of an open space trail system extending from Peck's Pond in West Haverstraw to Hook Mountain State Park and the Palisades Interstate Park system (see Inventory and Analysis) which would include a waterfront esplanade in the Village. The Village's top priorities are to revitalize the abandoned waterfront properties with water-dependent, water-enhanced and residential uses, increase public access to the Hudson River, provide recreational opportunities, and preserve or enhance water-dependent uses in any redevelopment of the riverfront.

The following sites have been identified by the Village as either underutilized, deteriorated, in need of rehabilitation, or any combination of all three:

- The former Warren Court property (underutilized and deteriorated); The former volunteer ambulance site (underutilized and deteriorated);

- The site of the former Empire Chair Factory (underutilized and deteriorated);
- The 1.5 acre Damiani property located directly north of Emeline Park (underutilized);
- The Village property south of Emeline Park occupied by Civile's Restaurant (underutilized and needs rehabilitation);
- The former Rockland Fuel site (underutilized and deteriorated);
- The Village DPW site (underutilized);
- The former concrete pipe manufacturing property located south of the Rockland Fuel site (underutilized and deteriorated);
- The vacant 7.2 acre Tilcon Industries site located east of the CSX railroad tracks and west of West Street/Short Clove Road; and
- The northern portion of the existing Tilcon Mining operations to be used as a buffer area between the existing mining operations and the redeveloped areas.

Development potential exists in these properties. Development is primarily limited by economic factors. Limiting development constraints for the development of water-related uses should be considered for any proposal in the waterfront area. Detailed consideration should be given to the establishment of a waterfront promenade with direct public access for any development proposal for these sites.

The Village's Waterfront Plan includes a range of land and water uses that address Haverstraw's goals, as outlined in Section IVA. The projects are described in items B1 – B25 in Section IV, and are assigned to sites in areas best able to accommodate these projects. Generating an expanded residential base to support village business and expand the tax base is essential. Accommodation of important cultural and recreation facilities (Children's Museum, Brick Museum, Emeline Park, Recreation Piers), is essential to achieving these goals. The Ferry (water-dependent) and parking are necessary to make the waterfront economically viable and to support the existing business community by creating links with downtown.

Current waterfront zoning regulations establish height and setback regulations for development proposals adjacent to the river and identify permitted and accessory waterfront uses. Any new waterfront zoning should make multiple dwelling a use permitted by right rather than a special permit use and incorporate setbacks and height limitations appropriate to the redevelopment parcels.

The Village of Haverstraw through its local waterfront revitalization program has the primary responsibility for implementing this policy, but can do so only if federal and State actions are consistent with the policy. When any such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of this once dynamic waterfront area is one of the most effective means of encouraging economic growth in the Haverstraw area, without consuming valuable open space outside of these waterfront areas. The Village is focusing on waterfront redevelopment as one of the most effective means of rejuvenating and stabilizing the commercial and residential districts adjacent to the waterfront area. In Haverstraw, the main thoroughfare

leading to the waterfront goes directly through the downtown. This connection must be capitalized on.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort (refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the cost of providing basic services to such areas is frequently less than providing new services to areas not previously developed; and (3) The likelihood for successfully simplifying permit procedures and easing regulatory programs (Policy 6) will be increased if a suitable area and not the entire waterfront is the focus for this effort. Once this concentration of effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

The following guidelines will accordingly be used to ensure consistency whenever a federal or State action is proposed to take place in the Village of Haverstraw waterfront area regarded as suitable for development.

1. Priority should be given to uses that are dependent on a location adjacent to the water.
2. The action should enhance existing and anticipated uses.
3. The action should serve as a catalyst to private investment in the area.
4. The action should improve the deteriorated conditions of a site and, at a minimum, must not cause further deterioration.
5. The action must lead to development, which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.
6. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base.
7. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner.
8. The action should have the potential to improve the potential for multiple uses of the site.

If a State or federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area.

If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

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

POLICY 2A DEVELOP A PUBLIC RECREATION PIER TO PROVIDE DIRECT ACCESS FOR WATER-DEPENDENT PUBLIC RECREATIONAL USES.

POLICY 2B ENCOURAGE A BALANCE BETWEEN MARINAS AND OTHER WATER-DEPENDENT USES ON THE RIVER.

POLICY 2C DEVELOP PERMANENT FERRY SERVICE AND ASSOCIATED FERRY PIER AND PARKING TO UTILIZE THE ALTERNATIVE TRANSPORTATION POTENTIAL OF THE HUDSON RIVER AND BRING NEW USERS INTO THE VILLAGE.

Explanation of Policy

There is a finite amount of waterfront property in the Village of Haverstraw. These properties had mostly been developed for specific uses in the past because of their location by the Hudson River. Today, due to the changes in varying economic factors, most of these historic uses are deteriorated, abandoned or underutilized (see Policy 1). However, demand is increasing for waterfront property and this results in increased pressures for development. Development pressures can result in either changes in land use or changes in densities, or both.

The Village of Haverstraw enjoys a unique location on Haverstraw Bay of the Hudson River because of its waterfront views, varied coastline and the opportunities related to water-dependent activities, which take place on the riverfront.

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

1. Uses that depend on the utilization of resources found in coastal waters (e.g., fishing, mining of sand and gravel, mariculture activities),
2. Recreational activities that depend on access to coastal waters (e.g., boating, swimming, fishing wildlife viewing),
3. Recreational facilities that depend on access to coastal waters. Examples of such water-dependent facilities include the following: beach and or yacht clubs; facilities needed to store and service boats; boat yards, marinas, boat construction yards; facilities for hauling, launching, dry storage and dry sailing of boats; facilities for building, repairing, and

maintaining boats and marine engines and other boating equipment; facilities for docking and mooring of boats, especially when found in conjunction with above.

4. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (i.e., facilities for the sale of fuel for boats, for the pumping out of marine holding tanks, for waste oil collection, parking lots, and dry storage of boats),
5. Commercial facilities for the construction of boats,
6. Uses involved in the sea/land transfer of goods (e.g., docks, loading areas, pipelines, short-term storage facilities),
7. Structures needed for navigational purposes (e.g., locks, dams, lighthouses),
8. Flood and erosion protection structures (e.g., breakwaters, bulkheads),
9. Scientific/educational activities which, by their nature, require access to coastal waters (e.g., certain meteorological and oceanographic activities), and
10. Waterfront promenades.

In addition to water-dependent uses, uses that are enhanced by a waterfront location should be encouraged to locate along the shore. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. Uses that would allow public access to the waterfront and enable development of the greenway path/riverfront promenade should be encouraged or facilitated.

The Village will facilitate the location, continued existence, and expansion of appropriate uses in its waterfront. Those uses that will contribute to local revitalization efforts, public and visual access, water transportation, and recreational development include the following:

1. Emeline Village Park: water-dependent and water-enhanced public recreational uses,
2. Bowline Point Park: water-enhanced public recreational uses,
3. The Rockland-Bergen Boat Club and the Haverstraw Elks Lodge: water-dependent recreational uses,
4. Bowline Pond: the Bowline Pond Trailway is a water-enhanced public recreational use. Bowline Pond offers potential for development of a marina or special anchorage (a water-dependent public recreational use),

5. The vacant Damiani property: this waterfront location near the foot of Main Street is conveniently accessible to the downtown. The site is ideal for permanent relocation of ferry operations (a water-dependent use) and a garage structure to service commuters. This use provides an important link between downtown (including parking) and water-dependent uses (ferry, recreation pier, promenade, etc.)

The following guidelines should be used in choosing sites where water-dependent and water-enhanced uses will be encouraged and facilitated:

1. In-place facilities and services -- Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
 - a. The availability of public sewers, public water lines and adequate power supply,
 - b. Access to public transportation, if a high number of person trips are to be generated.
2. Access to navigational channels -- If commercial ferries and/or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
3. Compatibility with adjacent uses and the protection of other coastal resources -- Water-dependent and water-enhanced uses should be located so that they enhance or, at least do not detract from, the surrounding community. Affirmative approaches should also be employed so that water-dependent and water-enhanced uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water oriented tourist activities. Water-dependent and water-enhanced uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

Due to availability as well as site characteristics, development of water-dependent or water-enhanced uses could occur at any or all of the available waterfront sites in the Village of Haverstraw. Public concerns of future development and expansion of existing uses (Tilcon Industries and the marinas) include, but are not limited to, traffic, parking, winter boat storage, screening and buffering of new development, retention of natural vegetation and physical as well as visual access to the waterfront. Site plan review as prescribed in the Village's zoning law should be conducted in a thorough manner to identify any adverse impacts. Through the site plan under the environmental review process, recommendations should be made to alleviate or mitigate any adverse impacts while promoting physical and visual public access to the waterfront.

4. Preference to underutilized sites -- The promotion of water-dependent and water-enhanced uses should serve to foster development as a result of the capital programming, permit expediting, and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.

In promoting water-dependent and water-enhanced uses the following kinds of actions should be considered:

1. Favored treatment to water-dependent uses areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, and public transportation within areas suitable for water-dependent uses.
2. When waterfront areas are publicly owned, favored leasing arrangements should be given to water-dependent and water-enhanced uses that will provide for public access.
3. Where possible, consideration should be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. Local, State and federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent and water-enhanced uses. This effort should begin for specific uses in a particular area.
5. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring for the development of water-dependent and water-enhanced uses.
6. Local, State and federal agencies should work together to determine the feasibility of continuing to operate a commuter ferry with associated parking and to determine the most appropriate permanent site for ferry operations.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE STATE'S MAJOR PORTS IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

POLICY 4A PROMOTE THE TRADITIONAL USES OF HAVERSTRAW BAY INCLUDING COMMERCIAL MARINAS, RECREATIONAL BOATING AND ACCESSORY SERVICES, COMMERCIAL FISHING AND CRABBING, AND RECREATIONAL FISHING. (SEE POLICY 2, 9 AND 10).

POLICY 4B ESTABLISH BOWLINE POND AND PORTIONS OF HAVERSTRAW BAY AS A U.S. COAST GUARD DESIGNATED SPECIAL ANCHORAGE AREA.

POLICY 4C DEVELOP A PUBLIC RECREATION PIER AT A SUITABLE SITE TO ENHANCE THE MARITIME IDENTITY OF THE SITE AND TO PROVIDE DIRECT PUBLIC ACCESS TO HAVERSTRAW BAY FOR FISHING, SIGHT SEEING, AND BOATING. (SEE POLICY 19 AND 21).

Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of local and State agencies shall center on promoting such desirable activities as recreational fishing, marinas, historic preservation, cultural pursuits, and other compatible activities that have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors that, in turn, can make significant contributions to the State's tourism industry. The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses that are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development, which would be out of the character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community, e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.

6. The action will not detract from views of the water and smaller harbor areas, particularly where the visual quality of the area is an important component of the area's appeal and identity.

At present, Haverstraw Bay is home to many recreational boaters. It is also an important recreational fishing area. Boating and related activities can contribute to the economy of Haverstraw.

The anticipated growth of the recreational tourism-based economy in Haverstraw is largely contingent upon implementation of Policy 2. Development and enhancement of the Village's maritime uses and activities can be accomplished if local land use controls are implemented to prevent the displacement of water-dependent uses by water-enhanced uses. The marine recreational industry should be protected and expanded; and water-dependent uses, particularly public, should be promoted.

Harbor management and maintenance is an important aspect of any policy encouraging the Village's traditional maritime uses. Planning for dredging, maintenance and expansion of public facilities, and regulations for the safe passage of vessels should be addressed through an intermunicipal harbor management plan among the communities adjoining Haverstraw Bay.

An act of Congress provides for the designation of special anchorage areas wherein vessels not more than 65 feet in length, when at anchorage, will not be required to carry or exhibit lights. Special anchorages are for recreational vessels and are under the jurisdiction of the Secretary of Transportation through the Commandant of the U.S. Coast Guard. Haverstraw Bay is a desirable location for a special anchorage since it is at the widest point in the Hudson River and there is no special anchorage in the immediate vicinity (between Nyack and West Point). Bowline Pond offers development potential as a marina or special anchorage area. One of the advantages of a special anchorage is the creation of vessel mooring at low cost compared to the construction of a marina.

Development of a public recreation pier is an important action that will provide direct access to the Hudson River for fishing and sight seeing. It will provide an important access point for tour boats and transient boats to visit Haverstraw, contributing to the economic strength and attractiveness of this waterfront community.

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

POLICY 5A ENCOURAGE COMPATIBLE WATERFRONT DEVELOPMENT NEAR THE EXISTING COMMERCIAL AREA WHERE PUBLIC SERVICES

AND FACILITIES ARE IN PLACE AND PARKING CAN BE ACCESSIBLE.

POLICY 5B PLAN COASTAL REDEVELOPMENT TO ENSURE THAT LOCAL ROADS DO NOT BECOME UNSAFE OR OVERBURDENED BY TRAFFIC AND TO ENSURE THAT THE WATERFRONT IS ACCESSIBLE TO PEDESTRIANS, ANGLERS, BOATERS AND CYCLISTS AND ALSO TO ENSURE THAT PARKING LOTS ARE APPROPRIATELY SCALED, SITED FOR MULTIPLE USE, NOT FLOODED AT HIGH TIDE AND NOT A DETRIMENT TO LOCAL NEIGHBORHOODS.

Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the coastal area will be encouraged to locate within, contiguous to, or in close proximity to existing areas of concentrated development where infrastructure and public services are adequate and where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

- Strengthen existing residential, industrial and commercial centers;
- Foster an orderly pattern of growth where outward expansion is occurring;
- Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- Preserve open space in sufficient amounts; and
- Where desirable, foster energy conservation by encouraging proximity between home, work, and leisure activities.

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

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.

2. Other locations in the coastal area may also be suitable for development if three or more of the following conditions prevail:
 - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
 - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one mile radius of the proposed site are vacant;
 - c. The proposed site is served by, or is near to, public or private sewer and water lines;
 - d. Public transportation service is available within one mile of the proposed site; and
 - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.

3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
 - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
 - b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system;
 - c. Sewage disposal system can accommodate the wastes generated by the development;
 - d. Energy needs of the proposed land development can be accommodated by existing utility systems;
 - e. Stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
 - f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities:

1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., quarries.

2. Development, which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, and campgrounds.
3. Development, which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
4. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
5. Development, which because of its isolated location and small-scale, has little or no potential to generate and/or encourage further land development.
6. Uses and/or activities, which because of public safety considerations, should be located away from populous areas.
7. Rehabilitation or restoration of existing structures and facilities.
8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

The property directly south of Emeline Park, owned by the Village and Scenic Hudson, is well suited for expansion of the existing park. Parking could be provided at the existing parking area. Expansion of the park would provide a direct connection to the Greenway Trail connecting Haverstraw with the bike trail that runs to West Point to the north and Hook Mountain State Park and Nyack to the south. Scenic overlooks should be created along the waterfront and linked with the proposed waterfront trail. Refer to Appendix D, the Emeline Park Improvements Plan.

The site of the former Empire Chair Factory, the former concrete pipe manufacturing site, the former Rockland Fuel site, and the Village DPW site should be developed for housing. Existing services and facilities (i.e., sewer lines and water) are already in place. Policy 4 recommends utilizing public services and facilities already in place. Zoning amendments making residential uses permitted uses on these sites are discussed in Section IV of this document. Residential development should be encouraged to draw new residents and visitors to the Village of Haverstraw and create a potential new customer base for Main Street. As part of any residential housing development, there is an opportunity to improve public access to the waterfront and create public amenities that would benefit the entire Village. In addition, the former Chair Factory site will be developed with a mix of uses – with residential use accompanied by maritime commercial and tourist-related uses.

A waterfront promenade and pier will provide accessibility to the water for recreational uses. Parking for the proposed ferry will be appropriately sized and sited to avoid negative impacts to the surrounding community.

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

Explanation of Policy

For specific types of development activities in areas suitable for such development, federal, State and local governments participating in the waterfront revitalization program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations objectives is not jeopardized. Efforts will also be made to ensure that each agency's procedures and programs are synchronized with the agencies' procedures at each level of government. Additionally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, programmatic and/or legislative changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulations' objectives.

FISH AND WILDLIFE POLICIES

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

POLICY 7A THE HAVERSTRAW BAY HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS HABITAT.

Explanation of Policy

The Haverstraw Bay Significant Coastal Fish and Wildlife Habitat encompasses the entire river over an approximate six mile reach, and includes the Village. (Refer to Inventory and Analysis for further details.) All proposed projects will be subject to the habitat impairment test when permits are applied for to ensure that land uses and development will not adversely affect the viability of the habitat.

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

1. Essential to the survival of a large portion of a particular fish and wildlife population (e.g. feeding grounds, nursery areas);
2. Support populations of rare, endangered and threatened species;
3. Found at a very low frequency within a coastal region and/or are on a migratory path;
4. Support fish and wildlife populations having significant commercial and/or recreational and/or educational value; and
5. Difficult or impossible to replace.

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

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

In order to protect and preserve the Haverstraw Bay Significant Habitat, land and water uses, or development actions, shall not be undertaken if such actions would:

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

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

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

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

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

Physical parameters, such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

Haverstraw Bay Significant Habitat

Haverstraw Bay possesses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River Estuary. (See Appendix B Habitat Narrative.).

Impact Assessment

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, or alter water salinities or temperatures in Haverstraw Bay would adversely affect the fish and wildlife resources of this area. Any physical modification of the habitat or adjacent wetlands through dredging, filling, or bulkheading would result in a direct loss of valuable habitat area.

Habitat disturbances would be most detrimental during fish spawning and early developmental periods, which generally extend from April through August for most anadromous species using the area. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations. Similarly, spills of oil or other hazardous substances, and leachate or contaminated groundwater constitute a potential threat to fish and wildlife in the Bay. Of particular concern in this major estuarine system are the potential effects of hydrologic disturbances, and effluent discharges. Existing areas of natural vegetation bordering Haverstraw Bay should be maintained to provide soil stabilization and buffer areas.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

POLICY 8A CONTROL THE INTRODUCTION OF NEW INDUSTRIES OR TECHNOLOGY WHICH COULD INCREASE THE PRESENCE OF HAZARDOUS MATERIALS WITHIN THE HAVERSTRAW COASTAL AREA.

POLICY 8B ENCOURAGE EXISTING INDUSTRIAL PRODUCTION OR STORAGE FACILITIES TO UTILIZE THE MOST CURRENT TECHNOLOGIES AVAILABLE TO MINIMIZE THE POTENTIAL THREAT FROM HAZARDOUS WASTES OR POLLUTANTS TO THE SURROUNDING ENVIRONMENT.

Explanation of Policy

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

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

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

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER THAT ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

POLICY 9A PROVIDE PUBLIC ACCESS TO VACANT WATERFRONT LANDS FOR RECREATIONAL SHORELINE FISHING, CRABBING AND BIRDWATCHING.

Explanation of Policy

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

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

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

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

4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing must be done in accord with State law.

Shoreline fishing has become very popular even though access is limited. The primary obstacles to increased recreational fishing use of the riverfront are concerns over contaminants in the fish and access. The Village supports all efforts to clean the Hudson River, including the removal of PCBs. The Department of Environmental Conservation advises recreational fishermen as well as others to consume no more than one meal per week consisting of fish from New York State waters including the Hudson River.

Provisions for increased boating access, as indicated in the Development Policies 1-6 and Policy 21, will also serve to increase recreational fishing and wildlife viewing.

Crabbing, in addition to fishing, is also popular in the Haverstraw Bay area. The blue crab attracts many recreational crabbers. Most casting traps are set off of the shore at the former Empire Chair Factory, the former concrete pipe manufacturing property, and the former Damiani property. It is particularly desirable to promote recreational crabbing, since crabs are nearly free of PCB contamination. A study should be undertaken by a State or regional agency to propose ways to restore the blue crab population. Casting can continue from the proposed public recreation pier or along the waterfront esplanade once these properties are redeveloped with residential uses. Since the crab population is not totally free of PCB's, warnings on maximum consumption will be posted until the Department of Health (DOH) issues an "all clear." Specifically, the DOH special advisory states that no individual is to eat more than six Hudson River blue crabs per week. Individuals should avoid consuming crab cooking liquid due to cadmium and PCB contamination.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY:

1. ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVING EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES;
2. INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND
3. MAINTAINING ADEQUATE STOCKS, AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER THAT ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principles developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200-mile offshore boundary of U.S. Waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource management considerations would include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

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

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.
3. Consideration should be made by State, federal, and local agencies whether an action will impede existing utilization or future development of the State's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

Commercial fishing in the Haverstraw area, although not as popular today as it was 50-60 years ago, is making a comeback. Shad fishing, in particular, is very popular. Commercial shad fishing should be further developed by informing the public that these fish do not contain contaminants.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Explanation of Policy

Local, State and federal laws regulate the siting of buildings in erosion hazard areas.

On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion, and the protection provided by existing erosion protection structures as well as by natural protective features such as beaches, sandbars, shoals, near shore areas, bluffs and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in Section 505.3(u) of the regulations for ECL, Article 34. Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing, non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash - a coastal high hazard area - walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide; and no mobile home shall be sited in such area.

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

The importance of flooding and erosion control regulations to Haverstraw cannot be overemphasized. Major flooding episodes occur primarily with easterly winds, unusually high tides and torrential rains. The Hudson River and Minisceongo Creek inundate roads, and destroy docks and boats.

The provisions of the National Flood Insurance Program apply within the Village's flood prone areas, as identified and mapped by the Federal Insurance Administration. The following standards for land use and development activity should be considered when reviewing proposed site plans in the flood prone areas:

Structure or Use in the Flood-Fringe Areas:

1. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water-related forces.
2. All construction materials and utility equipment used shall be resistant to flood damage.
3. Construction practices and methods shall be employed which minimize potential flood damage.
4. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

5. Adequate drainage shall be provided to reduce exposure to flood hazards.
6. All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred year flood or, as an alternative, be floodproofed up to that same water level, including attendant utility and sanitary facilities.
7. All water supply and sewage disposal systems shall be designed to minimize or eliminate potential flood damage.
8. No use shall be permitted including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood more than one (1) foot at any one point.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy

Beaches, bluffs and other natural protective features help safeguard coastal lands and property from damage, as well as reduce danger to human life resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or similar actions which fail to recognize their fragile nature and high protective values lead to diminishing or destruction of those values. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Wetlands function as important flood-mitigators and will be protected from all encroachments that could impair their flood-reducing capacity.

Wetlands serve as buffer areas that protect the shoreline from erosion by waves and moderate storm surges. Wetlands act as natural water storage areas during floods and storms by retaining high waters and gradually releasing them after subsidence, thereby reducing damaging effects.

Laws preventing the filling in of wetlands shall be strictly enforced.

The beach at Emeline Park also acts as a buffer to control flooding and erosion. Appropriate measures shall be taken to protect the beach from erosion. Proposed construction of jetties and bulkheads shall address the potential impacts on the beach.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY (30) YEARS, AS DEMONSTRATED BY DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

POLICY 13A EXISTING BULKHEADS OR OTHER SHORELINE STABILIZATION ALONG THE HUDSON RIVER SHALL BE MAINTAINED IN GOOD CONDITION. NEW OR EXPANDED WATERFRONT DEVELOPMENT SHALL BE REQUIRED TO RESTORE AND MAINTAIN EROSION AND FLOOD CONTROL STRUCTURES ALONG THEIR RIVER FRONTAGE.

POLICY 13B THE CONSTRUCTION OR RECONSTRUCTION OF DOCKS, BOATHOUSES, BOAT HOISTS, PUBLIC ACCESS FACILITIES AND OTHER SHORELINE STRUCTURES WILL, TO THE MAXIMUM EXTENT PRACTICABLE, PROTECT AGAINST OR WITHSTAND THE DESTRUCTIVE FORCES OF WAVE ACTION AND ICE MOVEMENT.

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

Erosion protection structures are often needed to stabilize riverbanks and to help alleviate the accumulation and transport of silt. Proper bulkheading will protect the shoreline from erosion and wave damage, thus mitigating the worse effects of a severe storm. A well constructed breakwater or "dolphins" near the waterfront would extend the life-time of bulkheads and lessen the problems of storm erosion and channel maintenance. Since all bulkheads, seawalls, docks and piers have limited life-times, periodic maintenance and eventual replacement is to be expected.

A marine structure is any structure, which either directly or indirectly, interacts with estuarine waters. Marine structures include but are not limited to docks, catwalks, ramps, floats, bulkheads, retaining walls, wave baffles, piers, piles, jetties, groins, buoys, sewage treatment plants, sewage outfalls, stationary or semi-permanent barges, and artificially-created marshes. An example of a structure that directly interacts with marine or estuarine waters would be a dock or floating dock. An example of a structure that indirectly interacts with estuarine water would be a retaining wall above mean high water, which is in direct contact with estuarine water only during storm events. The purpose of this policy is to ensure that such structures fulfill their intended function without any adverse environmental effects on or adjacent to the structure site, within the design life of the structure.

Proper design, construction and maintenance of shoreline structures will also prolong their utility and benefits when resistance to wave and ice action is included as a design parameter. This policy will thus assist in slowing the rate of deterioration of shoreline structures and in avoiding disruption or losses of public access to the Hudson River by increasing the durability of such structures. Government agencies should consider the risk that wave and ice action impose on both public and private capital investment in shoreline structures, especially where water depth, current or other limiting site conditions require more costly design, construction and maintenance practices.

When erosion protection structures are proposed, the following will be provided:

Plans and a detailed explanation, to include nonstructural approaches and evaluation of alternative approaches.

Evidence that the structure is not likely to fail and become a danger or obstruction to navigation; or injure the navigable capacity of the River along the waterfront area.

Evidence that, to the extent practicable, structural approaches will give preference to the use of natural materials or other materials such as sheet steel, concrete, and demolition materials.

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

Explanation of Policy

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

The Village of Haverstraw's participation in the National Flood Insurance Program establishes regulations pertaining to development in designated flood hazard areas. Proper drainage and land restoration practices should be followed to prevent erosion and weakening of shorelands. Structures placed in identified floodways should not increase the base flood level so as to cause damage to otherwise flood free areas.

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

POLICY 15A BEST AVAILABLE TECHNOLOGY MUST BE USED TO MINIMIZE THE DISPERSION OF SILT THAT MAY BE RELEASED. THE TOTAL VOLUME OF DREDGING IN ANY PERIOD MUST BE LIMITED TO THE CAPACITY OF THE INTERIM DREDGE SPOIL SITE.

Explanation of Policy

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

Best available technology must be used to minimize the dispersion of silt that may be released. Dredging or other mining of the river bottom would be carried out primarily for channel maintenance. However, when such dredging occurs near docks, bulkheads or unprotected shoreline, it must be done in a manner that will not dislodge or cause piling slumping on adjacent lands.

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

POLICY 16A PUBLIC FUNDS SHALL NOT BE USED FOR SHORELINE STRUCTURES SUBJECT TO SEVERE WAVE ACTION AND ICE MOVEMENT EXCEPT WHERE THE PUBLIC BENEFITS THAT WOULD ACCRUE TO THE VILLAGE IN TERMS OF IMPROVING PUBLIC ACCESS AND RECREATION, ENHANCING TOURISM OR SITING WATER-DEPENDENT USES OUTWEIGH THE LONG TERM COSTS OF SUCH STRUCTURES.

POLICY 16B PUBLIC FUNDS SHALL BE USED FOR WAVE AND ICE PROTECTIVE STRUCTURES ONLY WHERE DEEMED NECESSARY FOR PUBLIC SAFETY OR, IF PUBLIC BENEFITS OUTWEIGH LONG TERM COSTS, FOR THE PROTECTION OF SHORELINE STRUCTURES UPON WHICH EXISTING OR PROPOSED WATER-DEPENDENT USES MUST RELY.

Explanation of Policy

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

Wind driven wave action and ice movement represent destructive forces that cause considerable short and long-term damages to shoreline structures. Public investment in shoreline structures exposed to these forces is generally unwise unless sufficient capital is expended to ensure such structures have adequate strength and durability. Measures to diminish the severity of wave action or ice movement may be needed to protect life, limb or property.

However, public investment in measures to protect properties must, as in the construction of shoreline structures in more exposed areas, weigh the economic benefits accruing to Haverstraw and its waterfront area, in view of public costs.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE:

- 1. THE SETBACK OF BUILDINGS AND STRUCTURES,**
- 2. THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING,**
- 3. THE RESHAPING OF BLUFFS, AND**
- 4. THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

Explanation of Policy

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

"Non-structural measures" shall include, but not be limited to:

1. Within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that Law, (a) the use of minimum setbacks as provided for in Section 34-108; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and
2. Within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, design and siting of all proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency of this policy would require the use of such measures, whenever possible.

The Waterfront Planned Development Zoning District (WPD) contains various requirements for setbacks and shorefront stabilization.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development of the site and of the alternative protection measures, should be prepared to allow an assessment to be made.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO

THOSE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

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

Any proposed project will be reviewed under State Environmental Quality Review (SEQR) for, consistency with coastal plans and with all State and local policies enacted to protect the area's valuable coastal resources.

If the present Tilcon facility, or quarry were to become vacant at some time in the future for the greater health and general welfare of the Village and its waterfront, this facility will be replaced by a clean, quiet, water-dependent, non-polluting use.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATIONAL RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS, AND WATERFRONT PARKS.

POLICY 19A ENCOURAGE, DEVELOP, PROTECT AND MAINTAIN PUBLIC BOAT ACCESS BY SUPPORTING THE CONSTRUCTION OF A PUBLIC RECREATION PIER TOGETHER WITH THE PROPOSED FERRY PIER NORTH OF EMELINE PARK.

POLICY 19B ENCOURAGE THE DEVELOPMENT OF BOWLINE POND AS A MARINA OR DESIGNATED SPECIAL ANCHORAGE AREA.

- POLICY 19C ENCOURAGE DEVELOPMENT OF UNDERUTILIZED RIVERFRONT PROPERTIES WITH FUTURE IMPROVEMENTS FOR PUBLIC ACCESS TO THE RIVER AND WATER-RELATED RECREATION.**
- POLICY 19D ENCOURAGE, DEVELOP, PROTECT AND MAINTAIN EMELINE PARK WITH FUTURE IMPROVEMENTS FOR PUBLIC ACCESS TO THE RIVER AND WATER-RELATED RECREATION.**
- POLICY 19E DEVELOP A PUBLIC RECREATION PIER FOR FISHING AND OTHER RECREATIONAL TYPES OF USES.**
- POLICY 19F DEVELOP A PUBLIC ESPLANADE PARK ALONG THE RIVERFRONT SHORELINE ALLOWING THE WATERFRONT IN HAVERSTRAW TO CONNECT TO A TRAILWAY TO STONY POINT STATE PARK TO THE NORTH AND HOOK MOUNTAIN STATE PARK TO THE SOUTH.**
- POLICY 19G EXPAND RECREATIONAL USES OF EMELINE PARK INCLUDING THE VILLAGE OWNED PARCEL IMMEDIATELY SOUTH OF EMELINE PARK.**

Explanation of Policy

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

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or

providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systemic objectives.

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

- a. Access -- the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water-related recreation resources or facilities -- all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c. Public lands or facilities -- lands or facilities held by State or local government in fee simple or less than fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d. A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are increases in the following: already existing special fares of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities, which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

- (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities, which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use.
 - b. The level of access to be provided shall not cause a degree of use, which would exceed the physical capability of the resource or facility.
3. The State will not undertake or fund any project that increases access to a water-related resource or facility that is not open to all members of the public.
4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

Existing public access to the Hudson River is limited to public parks and two local marinas.

Bowline Point Park offers waterfront access and recreational facilities to both residents and non-residents who must pay a fee to use the park.

The Bowline Pond Trailway allows the general public to come right up to the Hudson River's course.

Two Village park sites located along the waterfront offer scenic views of the Hudson River with limited water-related activities. Jefferson Street Park, which is located at the end of Jefferson Street, and Dutchtown Playground, which is located along Riverside Avenue, provide basketball courts, playground equipment and benches.

Emeline Park offers limited public access to the river. Proposed revitalization projects for Emeline Park and the Village owned site south of the park provide an important opportunity to expand park activities and improve public access to the waterfront. The beach at Emeline

Park could be rehabilitated for sunbathing and other public recreational uses including swimming, as water quality permits.

Additional access is provided at the private marinas but access is limited to the members of the public who moor their boats at these facilities. The Village does not have a public boat launch. Development of a public recreation pier would provide improved fishing opportunities. A small boat launch ramp is proposed at Emeline Park for canoes/kayaks.

Bowline Pond offers potential for development as a marina or designated special anchorage. Special Anchorages are areas wherein vessels not more than 65 feet in length, when at anchor, is not required to carry or exhibit lights. Special anchorages are for recreational vessels and are under the jurisdiction of the Secretary of Transportation through the Commandant of the U.S. Coast Guard. The advantage would be the creation of a vessel mooring at low cost compared to the construction of a marina.

The Haverstraw-Ossining Commuter Ferry, with docking facilities and related parking, provides an opportunity to draw new residents and visitors to the Village's waterfront.

Revitalization of vacant or abandoned waterfront parcels and development of a waterfront promenade would link Village parklands to the proposed waterfront trail around Bowline Pond and improve opportunities for public access to the waterfront.

The Hudson Valley Children's Museum, which is looking to relocate to secure adequate space for their expanding educational and agricultural programs, is considering a waterfront location. Relocation of the museum to a waterfront location would encourage cultural activities and attract visitors to the waterfront.

Reconfiguration of the existing parking lot on the site south of Emeline Park is underway to improve parking for restaurant and park patrons. Parking lots or a parking garage are proposed to improve parking for the downtown and waterfront areas.

The Village's overall plan includes comprehensive public access to the Hudson River. The plan includes Emeline Park and waterfront Esplanade, which will have a minimum width of 12 feet. The ferry pier will also be a recreation pier offering opportunities for fishing and passive enjoyment of the river from the viewpoint of the pier. A boat launch for kayaks and canoes is also planned.

The Village strongly believes that it is in the greater public interest to create adjacent activities that will complement and encourage further use of the park. A park that is busy 365 days a year will be a far more successful public space than a park that will require events to activate it during off season periods. The ferry pier, Children's Museum, Brick Museum, inn, restaurant and conference facility, and possibly floating docks and restaurant will serve to further activate Emeline Park as will the Esplanade connecting to the residential uses to the north and south.

Additionally, the synergy of all of these uses requires that they be clustered together to create critical mass and thus yield the greatest economic benefit for the adjacent Main Street business district.

A portion of Emeline Park restricted to the wooded slope coming down from Main Street will be incorporated into the Children's Museum site. The Children's Museum will be a significant public facility that will be built into the slope. The roof of the proposed museum, at grade with Main Street, will be a public plaza offering breathtaking overlook views of the Hudson River. This newly created public space will be a significant net gain over the existing unused slope. When built out, the project will create at least an acre of new waterfront parkland and unprecedented access.

POLICY 20 ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

POLICY 20A ENCOURAGE INCREASED ACCESS TO WATERFRONT SITES WITH LINKAGES TO THE ADJACENT SITES.

POLICY 20B PRESERVE PROPERTIES ADJACENT TO THE SHORELINE TO PROVIDE A WATERFRONT TRAIL AND INCREASE PUBLIC ACCESS TO THE RIVER.

POLICY 20C ENCOURAGE THE DEVELOPMENT OF A WATERFRONT PEDESTRIAN AND BIKING TRAIL TO CONNECT HAVERSTRAW WITH THE BIKE TRAIL THAT RUNS TO WEST POINT TO THE NORTH AND HOOK MOUNTAIN STATE PARK AND NYACK TO THE SOUTH.

POLICY 20D ESTABLISH AND MAINTAIN ACCESS TO THE VILLAGE'S WATERFRONT COASTAL AREA WITHOUT SIGNIFICANT RESTRICTIONS FROM RAILROAD OPERATIONS BLOCKING VILLAGE AT-GRADE CROSSINGS FOR EXTENDED PERIODS.

POLICY 20E ENCOURAGE, DEVELOP, PROTECT AND MAINTAIN LINEAR PEDESTRIAN WATERFRONT ACCESS TO AND LINKAGES BETWEEN A GREENWAY PATH ALONG THE HUDSON RIVER.

Explanation of Policy

In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly owned lands of the coast at large could be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along the Village waterfront or to a vantage point from which to view the shore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beach combing, fishing and hunting.

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

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

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

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

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

- a. (See definitions under first policy of "access," and "public lands or facilities").
- b. A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
 - (1) Pedestrian access diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.

- c. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (1) Construction of public facilities that physically prevent the provision, except at great expense, of convenient public access to public coastal lands and/or waters.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities that physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
- 2. The existing level of public access within public coastal lands, or waters shall not be reduced or eliminated.

A reduction in the existing level of public access includes but is not limited to the following:

- a. Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
- b. Access is reduced or blocked completely by any public developments.
- 3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; and (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.
- 4. The State will not undertake or fund any project that increases access to a water-related resource or facility that is not open to all members of the public.
- 5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and, outside the defined Urban Area boundary but not served by public transportation.
- 6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:

- a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- b. The level of access to be provided shall not cause a degree of use that would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

Presently, waterfront walking trails utilize the sidewalks of the Village. However, there are great opportunities to increase access by developing a trail system. (See Policy 19.) Signage should be created for the length of the trail. (See Inventory and Analysis.)

To insure the protection of the Hudson River shoreline and to encourage the development of a waterfront trail on waterfront parcels outside sites in the WPD Waterfront Planned Development district, suggested amendments to the zoning ordinance include provisions for a minimum setback of forty-five (45) feet from the mean high water line of the Hudson River where the river edge is vertical or is a bulkhead. The setback will be at least 45 feet from the top of sloped stabilization such as rip-rap. Where greater distances are required to assure accommodation of a trail or path at least 12 feet wide or to assure stable, shoreline these setbacks can be increased. The public promenade will be dedicated to the Village of Haverstraw to ensure that it remains open to the public in perpetuity.

A designated bike trail extends from Peck's Pond in West Haverstraw to Hook Mountain State Park and the Palisades Interstate Park system. Signs should be increased along the designated route. The trail should be designated a Greenway Trail.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED.

POLICY 21A ENCOURAGE THE IMPROVEMENT FOR RECREATIONAL USE OF EXISTING UNDEVELOPED LAND ALONG THE SHORELINE WITH USE INTENSITY DEPENDENT UPON LOCATION AND TYPE OF LAND.

POLICY 21B REDEVELOP THE VILLAGE OWNED SITE SOUTH OF EMELINE PARK TO EXPAND PARK ACTIVITIES AND CREATE A LINKED WATERFRONT TRAIL AND PUBLIC FISHING AREA.

POLICY 21C ENCOURAGE THE DEVELOPMENT OF A WATERFRONT TRAIL SYSTEM WITH PUBLIC PARKS INCLUDING A FISHING PIER. A SCENIC OVERLOOK AND A SHORELINE TRAIL WHICH WOULD

CONNECT HAVERSTRAW WITH THE BIKE TRAIL THAT RUNS TO WEST POINT TO THE NORTH AND HOOK MOUNTAIN STATE PARK AND NYACK TO THE SOUTH.

POLICY 21D ENCOURAGE THE REMOVAL OF DEBRIS AND THE RESTORATION OF THE TOWN BOWLINE PARK.

POLICY 21E ENCOURAGE THE DEVELOPMENT OF PUBLIC RECREATION FACILITIES CURRENTLY PROPOSED FOR VACANT, DETERIORATED OR UNDERUTILIZED SITES IN THE COASTAL AREA.

POLICY 21F PURSUE ADOPTION OF LOCAL LAW TO REGULATE USE OF PWC (PERSONAL WATER CRAFT) IN HAVERSTRAW BAY AND BOWLINE PARK.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming and fishing as well as certain activities which are enhanced by a coastal location and increase the public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case-by-case analysis.

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

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

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

Personal water conveyances such as jet ski use is an acceptable activity, provided no adverse environmental impacts occur. Where adverse environmental impacts occur, mitigating measures will be implemented where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced.

This objective supports other, more specific policies and applies to both public and private activities. Opportunities to provide water-dependent public recreational uses such as a boat launch, shoreline trail or fishing pier will be encouraged as part of any development proposal. A fishing pier is proposed as part of the proposed ferry pier and a waterfront esplanade is proposed to connect to a trailway to the north and south of the Village.

The Village owned parcel south of Emeline Park provides an opportunity to increase park area for scenic overlooks, recreational fishing and other recreational activities. Revitalization of this property needs to be initiated by the Village. Funding could come from the Village's capital improvements program and outside grant funding.

By amending the Village's zoning regulations and working with the Greenway Conservancy, the Village has begun to develop a strategy for the planning of a waterfront trail with various destinations within the trail that provide for wildlife viewing, scenic overlooks, a fishing pier, and picnic areas. The trail will connect Haverstraw with the bike trail that runs to West Point to the north and Hook Mountain State Park and Nyack to the south. Locally, the trail will connect Pecks Pond in West Haverstraw to the north of Bowline Pond and continue south along the waterfront to a two mile riverfront esplanade with Emeline Park in its center. The approximately two-mile riverfront esplanade would begin at the former chair factory site and continue south to the former pipe manufacturing site. To continue south, trail users can use Village streets, which are marked with trail signage, to access Hook Mountain State Park and the Palisades Interstate Park system south of Tilcon Industries and the Dutchtown residential community. Funding for the trail could come from various federal, State, local and private sources.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL PROVIDE FOR WATER-RELATED RECREATION AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN

LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

POLICY 22A IN ORDER TO MAINTAIN THE FEASIBILITY OF A LINEAR WATERFRONT TRAIL IN HAVERSTRAW, NEW DEVELOPMENT TO BE LOCATED ON OR NEAR THE WATERFRONT SHOULD BE DESIGNED SO AS NOT TO IMPEDE FUTURE LINEAR WATERFRONT ACCESS.

Explanation of Policy

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

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

- Parks
- Highways
- Utility transmission rights of way
- Sewage treatment facilities
- Mental health facilities*
- Hospitals*
- Schools, universities*
- Military facilities*
- Nature preserves*
- Town house development
- Multi-family development
- Commercial retail uses
- Restaurants

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

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation (OPRHP), and if there is an approved local waterfront program, with the municipality in which the development will be located, to determine appropriate recreation uses. The agency proposing the action should provide OPRHP and the municipality with the opportunity to participate in planning the action.

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

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

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as possible. Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development.

To ensure the protection of the Hudson River shoreline and to encourage the development of a waterfront trail, the WPD Waterfront Planned Development District, suggested amendments to the zoning ordinance include provisions for a minimum setback of forty-five (45) feet from the Hudson River where the river edge is vertical or is a bulkhead. Setbacks will also be a minimum of forty-five (45) feet from the top of the slope where the river edge is sloped or rip-rap, and forty-five (45) feet from the mean high water line of any other watercourse or water body. Any trail or promenade will be located within this forty-five (45) feet.

HISTORIC AND SCENIC RESOURCES POLICIES

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

POLICY 23A **STABILIZE AND REVITALIZE THE HISTORIC RESIDENCES AND NEIGHBORHOODS ON FIRST STREET AND HUDSON AVENUE AS WELL AS OTHER SELECTED AREAS.**

POLICY 23B **PRESERVE AND PROTECT UNDERWATER HISTORIC, ARCHAEOLOGICAL, AND CULTURAL RESOURCES IN HAVERSTRAW BAY.**

Explanation of Policy

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

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

- (a) A resource that is in a Federal or State park established, among other reasons, to protect and preserve the resource.
- (b) A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
- (c) A resource on, or nominated to be on the State Nature and Historic Preserve Trust.
- (d) An archaeological resource which is on the State Department of Education's inventory of archaeological Sites.
- (e) A local landmark, park, or locally designated historic district which is identified in Section II, Inventory and Analysis, of this LWRP.
- (f) A resource that is a significant component of an Urban Cultural Park.

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

1. Alteration of or addition to one or more of the architectural, structural, ornamental, or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color, and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing; sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures, and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource

property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)

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

The following are additional guidelines for implementing this policy:

1. The Office of Parks, Recreation and Historic Preservation, which serves as the State Historic Preservation Office (SHPO), plays a central role in the preservation of historic resources. Section 106 of the National Historic Preservation Act of 1966, as amended, requires that any action subject to a federal permit or dependent on federal funding must be reviewed by the SHPO and the Advisory Council on Historic Preservation to determine if such action would impair any historic resource listed or eligible for listing on the National Register of Historic Places.
2. Given the possibility of archaeologically significant sites within Haverstraw's coastal area, public agencies shall contact with State Historic Preservation Office to determine appropriate protective measures to be incorporated into development decisions.

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

Buildings and structures that are possibly eligible to be placed on the National Register of Historic Places are listed in the Inventory and Analysis of this LWRP. The recognition of historic buildings will be supported and encouraged.

The Rockland County Historical Society and the Rockland County Historic Preservation Board will serve as resources to the Village.

POLICY 24 THE STATE COASTAL POLICY REGARDING THE PREVENTION OF IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW.

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

POLICY 25A PROTECT OR ENHANCE VIEWS FROM ROUTE 9W, AND ROADS AND STREETS ADJACENT TO THE WATERFRONT.

POLICY 25B SUPPORT THE SCENIC DESIGNATION OF THE HIGH TOR AREA INCLUDING THE RIDGELINE.

POLICY 25C PRESERVE AND RESTORE THE UNIQUE PICTURESQUE MARITIME IDENTITY OF THE COASTAL AREA.

Explanation of Policy

When considering a proposed action that would affect a scenic resource of local significance, agencies and the Village shall ensure that the action will be undertaken to protect, restore or enhance the overall scenic quality of the Haverstraw coastal area. Activities that could impair or further degrade scenic quality include:

1. The irreversible modification of geologic forms, the destruction or removal of vegetation, the modification, destruction or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
2. The addition of structures that, because of siting or scale, will reduce the identified views or which, because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and design guidelines should be used to ensure the protection, restoration or enhancement of the visual quality of the coastal area wherever possible. It should be recognized that each development situation is unique and that the guidelines will have to be applied accordingly. They include:

1. Siting structures and other development such as highways, power lines and signs back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, save open space and attractive natural features, and provide visual organization to a development;
3. Preventing, wherever possible, the blocking of Hudson River views from upland areas;
4. Opening up potential views with selective cutting and trimming along Allison and Warren Avenues and West Street, where feasible and upon consultation with experts, during highway maintenance and the construction of new buildings;
5. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
6. Preserving and restoring the appearance of historical buildings and neighborhoods (see Policy 23);
7. Encouraging distinguished architectural expressions throughout the Village, and preventing excessive dissimilarity, uniformity, inappropriateness, or poor quality of design in the exterior appearance of buildings. This would include:
 - a. Excessive dissimilarity in cubical content, gross floor area, scale, height or other significant design features such as materials or quality or architectural design.
 - b. Apparently identical front or side elevations; substantially identical size and arrangement of doors and windows; and other significant identical features such as material roof line height.
 - c. Inappropriateness in relation to the established character of other structures in area to an extent that would adversely affect the desirability of the immediate area and neighboring areas for residential, business or other purposes.
8. Designing and constructing new buildings, structures or activities to be visually compatible with adjacent or nearby buildings, structures, or sites of special historic or architectural importance;

9. Giving special consideration to the design, form, material, texture, color, siting (location), and landscaping of such new buildings, structures, or activities so that they will be compatible with the special historic or architecturally important buildings or sites to which they are visually related;
10. Removing deteriorated and/or degraded elements;
11. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, integrate structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters; and ensuring trees over eight (8) inches in diameter, measured four (4) feet above the base of the trunk, are retained;
12. Requiring that all new development screen playgrounds, parking and service areas from the view of adjacent residential lots and streets, and choosing landscaping that is in character with that generally prevailing in the neighborhood;
13. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
14. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
15. Designing signage to be consistent, informative and attractive and not cause interference with the scenic quality of the area; Signs shall be stationary and made of permanent materials.
16. Encouraging property owners to consider selective tree planting and tree removal in a manner that restores or enhances view corridors;
17. Encouraging and promoting the use of resources including the County Arborist, Cornell Cooperative Extension, and other resources that may be available to provide guidance and assistance in the maintenance of trees and vegetation in a manner that restores or enhances view corridors;
18. Preserving the view of the Hudson River must be preserved from streets perpendicular to the River;
19. Limiting the height and length of buildings along the Hudson River so as to be non-intrusive to view corridors from upland areas and from the River;

Views from Route 9W, and other appropriate roads and streets leading to the water should be opened up and/or preserved. The High Tor area including the ridgeline should be considered for designation as a scenic resource of local significance. Views of the Hudson River are also spectacular from

Emeline Park, Jefferson Park, Bowline Point Park, and other properties along the Hudson River. Additional scenic roads and vistas have been identified in the Inventory and Analysis.

Main Street has a number of historically significant buildings of a low scale and a variety offering a small town architectural feeling.

The coastal area is picturesque in some areas, yet unsightly in others. The unique picturesque maritime identity should be preserved and restored. To enhance scenic views of the Hudson River, selective views should be created along the waterfront upon consultation with scenic experts. Some trees and brush may need to be removed to obtain line of sight to the river. To maintain or enhance the Village's scenic quality, siting and design guidelines must be developed with particular attention to building heights, renovated structures and additions, and dock and marina expansion. The Village Planning Board or Architectural Review Board should review site plans and make recommendations that preserve visual access to the waterfront.

In addition, the Rockland County Historical Society and the Rockland County Historic Preservation Board will serve as advisors to the Village.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE CONSERVATION OF AGRICULTURAL LAND IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW BECAUSE THERE ARE NO AGRICULTURAL LANDS IN THE HAVERSTRAW COASTAL AREA.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. That

article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law (PSL) require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Resources and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Haverstraw, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and, use the State SEQR and Department of State regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT INCREASE SHORELINE EROSION OR FLOODING, DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats as identified in the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

During a cold winter, ice in Haverstraw Bay can be very destructive to bulkheads, other erosion protective structures and existing docks. Since the sheltered water in the bay is calm, ice forms rapidly and accumulates around docks.

The construction of "dolphins" or other ice control structures would help to break up ice jams. If designed and sited properly, these structures would not damage significant fish and wildlife habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power. The Village will consult with the Department of State, Division of Coastal Resources and Waterfront Revitalization, the Army Corps of Engineers, and the affected State and federal agencies when designing and siting "dolphins" or similar structures.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF IS NOT APPLICABLE TO THE VILLAGE OF HAVERSTRAW.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the-pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillage, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

Such "end-of-pipe" discharges are monitored and regulated by the New York State Department of Environmental Conservation SPDES program (State Pollution Discharge Elimination System) as well as by federal law and the U.S. Environmental Protection Agency. Local vigilance must be exercised to ensure that such State and federal regulations are adequately enforced. The Village will work cooperatively with State officials to this end and recommend more stringent standards when appropriate.

Testing of water quality should be undertaken relative to the discharge of effluent into the Hudson River from the Joint Regional Sewerage Treatment Plant.

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

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

POLICY 32 ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

Explanation of Policy

The Village of the Haverstraw Coastal Area is served by a sanitary sewage treatment system. Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities and for which conventional facilities are too expensive.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary

and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

The steep slopes in Haverstraw do, at times, cause stormwater runoff problems. Where appropriate, new developments should be required to install retention basins so that stormwater will percolate into the soil and not increase runoff.

The Village should consider requiring the separation of its sanitary and stormwater collection systems with the following guidelines:

1. Stormwater runoff during and following any new construction shall be equal to or less than runoff prior to construction.
2. Stormwater shall be handled in such a way that it does not infiltrate and over-burden sewer lines and cause overflows into the Hudson River. Structural methods to control stormwater runoff and sewer overflows include the construction of stormwater retention basins and the replacement of deteriorated sewer mains. Non-structural methods include best management practices and watershed management planning on a regional basis. Best management practices include a policy that new development or construction should provide adequate stormwater retention facilities so that the peak rates of discharge are not increased beyond redevelopment or pre-construction levels. This is referred to as the "zero increase" policy.

POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS SUBJECT TO STATE JURISDICTION WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

POLICY 34A NEW MARINAS OR EXPANSION OF EXISTING MARINAS SHALL PROVIDE MARINE WASTE PUMP-OUT FACILITIES.

Explanation of Policy

The discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into Hudson River/Haverstraw Bay and Bowline Pond is regulated by federal and State laws. Priority will be given to the enforcement of this law in areas such as shellfish beds and significant habitats, beaches, shoreline parks, and public water supply intakes, which need protection from contamination by vessel wastes. In addition, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

The Haverstraw Bay Significant Coastal Fish and Wildlife Habitat, as well as several locations on the Hudson River proposed for swimming, are particularly sensitive to waste discharges and should be protected.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

Explanation of Policy

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

Dredging in Haverstraw Bay, designed to preserve the viability of the existing marinas and to create access to the proposed recreation pier, and commuter ferry pier will require State Department of Environmental Conservation and/or Army Corps of Engineers permits, and Department of State consistency approvals, preceded by thorough plans defining maintenance areas to be dredged and the methods of removal, relocation, storage, transfer, disposal and funding. All dredging must be undertaken at times during the year when significant fish and wildlife habitats will be protected and wetlands will not be overloaded with silt. Any weakened or undermined stream banks and bulkheads must be repaired as an integral component of these projects.

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT, OR AT LEAST MINIMIZE, SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes, and generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901 (3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed."

The list of Department of Environmental Conservation defined hazardous wastes is provided in 6 NYCRR Part 371.

The activities related to the shipment and storage of hazardous materials are regulated by federal and State laws, and it is highly desirable that this policy be thoroughly implemented. See also Policies 30 and 39.

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

Explanation of Policy

Best management practices used to reduce non-point sources of pollution and eroded soils include, but are not limited to, soil erosion control practices, surface drainage control techniques, organic gardening and pest management principles.

Stormwater runoff carries large quantities of silt, particularly in areas where slopes are unprotected by vegetation or terracing, where runoff bypasses storm drainage and where construction projects are improperly managed. The Village will exert direct control over runoff on its slopes and streets by requiring effective review for erosion control and surface drainage, both during construction periods and during project occupancy. The Village shall have the power to call in experts to aid in its review.

This review will include the following:

- Scheduling and staging of excavation activities;
- Configuration of the proposed final contours;
- Adequacy of storm drainage facilities;
- Adequacy of sewage disposal facilities;
- Retention of existing vegetation;

- The incorporation of proposed vegetation (turf, ground covers, shrubs, and trees);

Preservation of natural drainage systems to the extent practicable; (extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainage ways so that the final gradient and resultant discharge will not create additional erosion problems);

Adequacy of runoff collection system; (runoff from a site shall be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site); and

Reduction of the velocity of runoff water; (the length as well as the angle of graded slopes shall be minimized to reduce the erosive velocity of runoff water). The velocity of the runoff water on all areas subject to erosion shall be reduced below that necessary to erode the materials.

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

Explanation of Policy

Surface and groundwater are the principle sources of drinking water in the State, and therefore must be protected. All of the Village's designated coastal area is within the municipal water district. The quantity and quality of these important groundwater supplies must be protected. The Village of Haverstraw takes the following measures to minimize any contamination to the groundwater: salt is stored covered in a salt storage shed on a paved site at the Village highway garage; impacts caused by removal of vegetation on slopes and runoff from parking lots and driveways are analyzed during site plan review. The relocation of the Village DPW yard will be to a site which is likely further from the waterfront than is the current site. All necessary mitigation relative to salt storage and oil dripping from vehicles will be implemented at the new site to minimize impacts to water quality.

Similar actions providing equal protection of the environment shall be undertaken by all agencies.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS, AND SCENIC RESOURCES.

POLICY 39A ANY COUNTY-WIDE EFFORT TO IMPROVE SOLID WASTE HANDLING AND RESOURCE RECOVERY PROCEDURES, INCLUDING SUPPORT OF THE RECYCLING PROGRAMS CURRENTLY SPONSORED BY THE VILLAGE, WILL BE SUPPORTED.

POLICY 39B RAIL TRANSPORT OF SOLID WASTE THROUGH THE VILLAGE SHALL NOT ADVERSELY IMPACT ON EXISTING AND PROPOSED LAND AND WATER USES.

Explanation of Policy

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

Hazardous wastes are unwanted by-products of manufacturing processes and generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901 (3)] as:

"waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed."

The disposal and treatment of solid wastes can lead to the contamination of water resources, the filling of wetlands, atmospheric loading, and the degradation of scenic resources. The Department of Environmental Conservation has identified the former Keahon site, located in the industrial area along West Street just north of the Rockland Fuel Company, to be addressed by this policy through the provisions of the Solid Waste Management Act:

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities.

Railroad uses for transport of solid waste through the Village shall not be operated or conducted in a manner that will unnecessarily contribute pollutants to the soil, air, ground water, and surface water; or, unnecessarily contribute noxious odors or fumes to the air or environment.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND

WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

POLICY 40A EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WITHIN THE VILLAGE OF HAVERSTRAW SHALL NOT ADVERSELY IMPACT ON EXISTING AND PROPOSED LAND AND WATER USES.

Explanation of Policy

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

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

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

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

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control

programming efforts in the coastal regions and in supporting research on the multi-media nature of toxins and their economic and environmental effects on coastal resources.

The Southern Energy Power Station and Tilcon Industries are the largest heavy industries in Haverstraw which impact the Village's air quality. The Village is named as an intervener in the Southern Energy Article X Application proceedings for the construction of an additional 750 megawatt combined cycle generating unit in the Town of Haverstraw. The proposed Bowline Unit No. 3 facility would be built on the existing Bowline Point Power Plant site, adjacent to the existing Bowline Units 1 and 2, located at the northern boundary of the Village shoreline. As an intervener, the Village has obtained a grant to be used for air quality monitoring and is seeking additional funding for air quality testing relative to particulate matter and emissions.

Local land uses and planning standards must conform to national as well as State air quality standards. Locally, air quality will not be permitted to deteriorate because of any new development or expansion of existing facilities within the coastal area.

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

Explanation of Policy

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

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

Explanation of Policy

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

Acid rain caused by combustion of by-products emitted primarily from power plants, motor vehicles and heavy industry, is causing serious damage to the environment. Acid rain destroys fish and amphibian populations, stunts forest growth, and damages building exteriors. The Southern Energy Power Station produces a greater level of air pollutants which contribute to acid rain than other industrial operations on the Haverstraw waterfront. The Village will not permit levels of these air pollutants to increase because of any new development or expansion of existing facilities within the coastal area.

**POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS
AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.**

Explanation of Policy

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; as well as formerly connected tidal wetlands.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York Protection of Waters Act. There are no State regulated wetlands in the Haverstraw coastal area.

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

- a. Habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains,
- b. Erosion, flood and storm control,
- c. Natural pollution treatment,
- d. Groundwater protection,
- e. Recreational opportunities,
- f. Educational and scientific opportunities, and
- g. Aesthetic open space in many otherwise densely developed areas.

SECTION 4 PROPOSED USES AND PROJECTS

A. PROPOSED LAND AND WATER USES

A significant component of the Village's Local Waterfront Revitalization Program is the recommendation of proposed land uses and projects, both public and private, within the local waterfront area. An evaluation and inventory of the natural and man-made resources, an analysis of waterfront conditions and potential improvements, a review of the waterfront public opinion survey, and discussion of applicable State, local and federal policies have served as the basis for determining proposed land uses and preferred projects for Haverstraw's waterfront.

The land uses currently proposed for the Haverstraw waterfront area are illustrated in generalized form on [Map 7 Proposed Land and Water Uses](#). The proposed land uses support projects that seek to:

- restore, redevelop and revitalize underutilized sites within the Village;
- provide additional public recreational facilities and improve public access to the waterfront area;
- link public sites along the waterfront to neighboring communities throughout the Village;
- protect and improve historical and scenic resources;
- foster patterns of development that enhance community character;
- provide a proactive and positive economic boost to the Village;
- provide educational and cultural facilities on the waterfront;
- provide alternative water based transportation modes; and
- expand, enhance and diversify the Village's opportunities for a range of housing.

In addition to furthering the goals of the Village, the proposed projects also further the goals of the Hudson River Valley Greenway. The Hudson River Valley Greenway seeks to encourage compatible economic development while preserving the resources and natural beauty of the Hudson River Valley. In particular, the Village of Haverstraw identifies trail linkages and access points that represent the Hudson River Greenway Trail and the Hudson River Waterway Trail within the Village of Haverstraw.

The Village's Waterfront Plan includes a range of uses that reflect Haverstraw's goals as outlined above. It is comprehensive in that it creates an integrated waterfront community of water-dependent and water-enhanced projects that are linked to the rest of the Village by trails, walkways and roads. The projects are described in items B. 1. – B. 25. below and are assigned to sites in areas best able to accommodate these projects. Generating expanded residential base to support Village business and expand the tax base is essential. Accommodation of important cultural and recreation facilities (i.e, Children's Museum, Brick Museum, Emeline Park, Recreation Piers), is essential to achieving these goals. The Ferry (water-dependent) and parking are necessary to make the waterfront

economically viable and to support the existing downtown business community. An inn and restaurant are important to creating a range of economic activity that will attract visitors.

B. PROPOSED PUBLIC AND PRIVATE PROJECTS

The following projects are proposed to implement the coastal policies. Their locations are identified on [Map 8, Proposed Projects](#) and/or described below. Administrative and legal measures are described in Section V.

1. Creation of a Greenway Path along the Hudson River

This trail will connect Haverstraw with the bike trail that runs to West Point to the north and Hook Mountain State Park and Nyack to the south. Locally, it will connect Pecks Pond in West Haverstraw to the north of Bowline Pond and continue along the waterfront to a two-mile riverfront esplanade with Emeline Park at its center. To continue south, trail users can use Village sidewalks, which are marked with trail signage, to access Hook Mountain State Park and the Palisades Interstate Park system.

2. Enhance scenic views of the Hudson River

Selective views should be created or preserved along the waterfront upon consultation with scenic experts. Some trees and brush may need to be removed to obtain line of sight to the river.

3. Development of public recreation facilities

The development of public recreation areas may include a swimming pool, ball fields, and an in-line skating facility.

Potential sites for development of public recreation facilities include:

The Warren Court property (and the adjacent ambulance site) - located north of Broadway and Warren Avenue could be developed as a park with recreation areas and ballfields available to the public and maintained by the Village. Plans include a direct connection to the Hudson River Valley Greenway trail west to Bowline Pond. Approximately \$300,000 in environmental remediation is required prior to redevelopment of this site.

4. Establish Special Anchorage designation

An act of Congress provides for the designation of special anchorage areas wherein vessels not more than 65 feet in length, when at anchorage will not be required to carry or exhibit lights. Special anchorages are for recreational vessels and are under the jurisdiction of the Secretary of Transportation through the Commandant of the U.S. Coast Guard.

Haverstraw Bay is a desirable location for a special anchorage since it is at the widest point in the Hudson River and there is no special anchorage in the immediate vicinity (between

Nyack and West Point). Bowline Pond offers development potential for a special anchorage or marina. The advantage of a special anchorage is the creation of vessel mooring at low cost compared to the construction of a marina.

Although the special anchorage is accessible to the general public, a tender service or launch ramp for a dingy would limit use. In addition, the Village could establish its own regulations or guidelines and could establish fees.

5. Redevelopment of the former Empire Chair Factory property

The former site of the Empire Chair Factory is currently not in use. The company was closed for business in March 1995 and the site is currently for sale. The Village is promoting the private development of this property. The seven plus acre site on the waterfront contains an 80,000 square feet industrial building, which occupies much of the property. The site is ideal for an inn and restaurant and/or residential development, which would allow public access to the waterfront and enable the greenway path/or riverfront promenade to reconnect the Village of Haverstraw, particularly the downtown, with its waterfront.

6. Redevelopment of the Damiani property

This 1.5-acre site is currently vacant, although there are some old pier footings that extend about 250 feet into the Hudson River. The site is situated along the waterfront and at the foot of the downtown revitalization area. The development of permanent ferry service with associated parking is proposed from the site, providing an ideal opportunity to link the downtown area with the waterfront.

7. Revitalization of Main Street, New Main Street and Broadway

An improved streetscape will provide an attractive corridor to the river. Improvements will include a facade and signage program, sidewalk repairs, tree and flower planting.

Building rehabilitation along portions of Main Street will reclaim first floor residential units for commercial and retail redevelopment.

8. Creating additional parking in the business district

It is recommended that certain properties be acquired directly behind the central business district buildings to the north and south. In the future, parking lots or a parking garage may be considered in the downtown.

9. Relocating the Hudson Valley Children's Museum (the status of the Children's Museum is uncertain and may be replaced with another cultural facility)

The Hudson Valley Children's Museum, which until recently was located in Nanuet, will be relocating to secure adequate space for their expanding educational and agricultural programs. The Village will work with the Hudson Valley Children's Museum or another museum facility to relocate to an appropriate waterfront site in the Village and possibly

secure a site within Emeline Park. The waterfront location would help to draw downtown pedestrians to the waterfront.

10. Maintain a viable home for the Haverstraw Brick Museum

Historically, brickmaking was one of the earliest industries established in the lower Hudson Valley. The Bay Area of Rockland County, which includes the Village of Haverstraw, was the leading area of brickmaking in the early decades of the 19th century. By the beginning of the 20th century, Hudson Valley brickyards produced over one billion bricks annually which were shipped to New York City and New Jersey by barge on the Hudson River.

Until the 1930's when brick production throughout New York State plummeted with the increased use of structural concrete, the most important development in the Village's history was the establishment of the brickmaking industry. The Haverstraw Brick Museum plays a important part in preserving this significant piece of the Village's history. The Village should continue to support the Brick Museum to maintain a viable home in the Village in a downtown location which helps to draw waterborne visitors through the main corridor so they may frequent the local shops and eateries in the downtown business district.

11. Scenic overlook

A potential site for development of the scenic overlook is the roof of the Hudson Valley Children's Museum at Emeline Park. This location would draw Main Street pedestrians towards the river to overlook scenic Haverstraw Bay.

12. Revitalization of Emeline Park

The park needs to be updated overall with a tie-in to the recently Village acquired Civile's Restaurant site south of the park. The beach should be rehabilitated for sunbathing, swimming (as water quality permits) and other public recreational activities. The Village is completing the first phase of its projected improvements to the park including reconfiguring walkways and parking areas. The Village's capital improvements program and outside grants funding is to be utilized to fund park revitalization and expansion.

13. Construction of a public recreation pier

The public recreation pier will provide direct access to the River for fishing and sight seeing. It will provide an important access point for tour boats and transient boats to visit Haverstraw, especially downtown. Plans are currently being developed for construction of a recreation pier as part of the proposed ferry pier north of Emeline Park.

14. Developing the site south of Emeline Park

In 1997, the Village acquired this site in partnership with Scenic Hudson. A conservation easement is in place to limit potential development on the site. The Village will continue to coordinate with Scenic Hudson to develop this site for use as a riverfront public open space. The Village will continue to lease a portion of the site to Civile's Restaurant. Revenues generated from this lease are to be used for acquiring the site from Scenic Hudson and for

other costs associated with maintenance of the site. The existing parking lot on this site is currently being reconfigured to improve parking for restaurant and park patrons and will provide an opportunity for additional access to the park and the waterfront.

15. Establishing a commuter ferry

Metro-North, a division of the Metropolitan Transit Authority, currently maintains a lease agreement relative to the temporary use of the former Keahon property for a ferry terminal with associated parking. The Haverstraw Commuter Ferry provides passenger ferry service between the Village of Haverstraw and the Village of Ossining in Westchester County from where train service is available directly to Grand Central Station in New York City. Commuter access in Ossining has been determined in studies by NY Waterways. A pilot run began operation during the Summer of 2000.

The development of permanent ferry service is proposed from the property north of Emeline Park at the foot of Main Street.

16. Redevelop the former Keahon parcels

Until recently, the former Keahon property contained an old cement block building and a bulkhead. The 6.5-acre site, which was vacant and deteriorating, is located in the industrial area along West Street just north of the Rockland Fuel Company. A right-of-way runs through the center of the property out to the local marina. There were some paved areas on the site, as well as some large concrete blocks.

The site was recently redeveloped for temporary use as a ferry terminal with associated parking. The site is proposed for long-term redevelopment for residential uses that would allow public access to the waterfront and continuation of the riverfront promenade and greenway path.

17. Relocate the Village DPW facility

The Village is proposing the relocation of the Village Department of Public Works (DPW) facility to a non-waterfront location taking all appropriate measures to ensure proper relocation of salt and other materials. Future use of this site is proposed for residential development. A suitable site for relocation of the Village DPW facility has not been established.

18. Redevelop the former Rockland Fuel site

Redevelop the former Rockland Fuel site for residential uses, which would allow public access to the waterfront continuing the riverfront promenade and greenway path.

19. Redevelopment of the former concrete pipe manufacturing site

The currently vacant property was formerly used for the manufacture of concrete pipe. The site was approved for a townhouse development a few years ago, but the project was not constructed. The site should be used for the development of market rate rental housing. This

site provides an opportunity to draw new residents and visitors to the Village of Haverstraw and create a potential new customer base for Main Street. There is an opportunity to improve public access to the waterfront and create public amenities, which would benefit the entire village.

20. Develop affordable housing

Develop affordable housing throughout the Village through new housing construction and rehabilitation of existing buildings.

21. Create a buffer area

Create a buffer area between redeveloped waterfront uses and the existing Tilcon Mining operations to prevent the adjacent siting of incompatible land uses.

22. Intermunicipal Harbor Management Plan

The Village will pursue the creation of an intermunicipal Harbor Management Plan among the communities adjoining Haverstraw Bay.

23. Personal Watercraft (PWC) Regulation

The feasibility and desirability of adopting a local law to regulate PWC uses within the Village's jurisdiction will be studied.

24. Design Guidelines

Prepare design guidelines and criteria to protect and enhance the physical and visual environment of the waterfront area.

25. Historic Preservation

The Village will investigate the feasibility of enacting a local historic preservation law that establishes a procedure for preserving important local historic structures and sites. (See Section V-C-3)

SECTION 5
TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

To achieve the objectives embodied in the policies, proposed land uses, and projects identified in Section IV, the Village of Haverstraw has identified the essential local techniques and actions needed to ensure program implementation. Part A describes the legislation necessary to implement the program. Part B describes the management structure proposed to coordinate the program. Part C identifies other necessary public and private actions. Part D indicates the financial resources needed and available to carry out the proposed actions.

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM

The following laws and regulations, some of which are existing and some of which are proposed for revision as follows, are used by the Village to regulate land use and development activity in the coastal area and will be utilized in implementing the objectives of the LWRP:

1. Zoning Regulations

The zoning regulations for the Village of Haverstraw were adopted May 27, 1963, and readopted as amended May 17, 1972, with subsequent amendments thereto. The Zoning Regulations establish use districts and regulate the uses within these districts. The Zoning Regulations establish setback and density requirements, regulate the bulk and arrangement of buildings, the area of lots covered, the open spaces to be preserved, provision of off-street parking, access, drainage, accessory uses, fences, and walls, signs, lighting, screening and landscaping, swimming pools, and other similar issues normally regulated within zoning regulations.

In addition, the Village's Zoning Regulations contain within them site development plan approval provisions. These regulations require site development plan approval by the Planning Board subject to review by the Code Enforcement Officer prior to issuance of a building permit other than for a single-family residence or two-family residence or for structures accessory thereto, for construction or use in any zone.

The Village's Zoning Regulations currently divide the Village of Haverstraw into the following zoning districts:

- R-1 First Residence
- R-IC First Residence Conversion
- R-1 T First Residence Townhouse
- R-2 Second Residence
- R-3 Third Residence
- PRD Planned Residential District

HB	Highway Business
CBD	Central Business District
P0	Professional Office
SP	Special Purpose
WPD	Waterfront Planned Development
(M)	Mountain Protection Overlay District (Note: This is an overlay district, and is subject to special regulations in the Zoning Code.)

The boundaries of these existing zoning districts are identified on the Village's [Existing Zoning Map, Map 9](#).

The Village of Haverstraw's waterfront area is currently zoned SP, WPD, PT, and R-1. The remainder of the Village is zoned in accordance with the districts cited above.

A portion of the northern and southern most areas of the waterfront are zoned SP, Special Purpose Zoning District. This zoning district was created to permit public parks and recreational facilities, public schools, public and semi-public uses, and cemeteries. The SP zoned areas in the north include Bowline Pond and Bowline Point Park and the waterfront strip lining the pond owned by Southern Energy Utilities. There is also a portion of the Empire Chair Factory parcel zoned SP. The southern district borders the waterfront at the edge of the village. The Southern Energy property in the Village zoned P1 also borders Bowline Pond.

The Planned Industrial (PI) Zoning District permits the following selected uses: light industrial uses, research and development laboratories, offices, and automotive uses as-of-right. Heavier industrial uses including quarries, concrete plants, and bulk oil storage among other uses are permitted by special permit.

A residential parcel zoned R-1 in the southern portion of the Village, just south of the Tilcon Industries property, is adjacent to the Hudson River. While the R-3 zoned property at the southern end of Bowline Pond is mainly setback from the water by the waterfront strip owned by Southern Energy, which is leased to the Village, one portion zoned R-3 is directly adjacent to the water.

The R-1 R-2, R-3 and R-IT zoning districts are intended to permit the development of a range of residential housing types including single, two-family, and townhouses.

The CBD Zoning District is located along Main Street and West Main Street between Maple Avenue and Third Street, and between Main Street and Jefferson Avenue along Broadway. A small area extends just south of Main Street along Broadway, and there is an additional area along Maple Avenue, just south of West Main Street. The purpose of this zoning district is to serve as the primary retail and service center of the community and, as such, to provide employment for Village residents, essential goods and services, and a strong economic base. To enhance the commercial strength of this business district, the text will be amended to prohibit ground floor residential uses in the CBD District.

The Zoning Regulations of the Village are a significant tool in the implementation of the Village of Haverstraw LWRP. In order to satisfactorily implement the LWRP, the Village recognized that there would need to be some amendments to the Zoning Regulations in addition to the creation of the WPD District. These amendments, and the regulations of the WPD District, are described herein.

The purpose of the Waterfront Planned Development District (WPD) is to facilitate the design and development of a water-enhanced and water-related planned residential community with public and private water-related and water-enhanced recreational, open space and transportation amenities.

In addition to establishing the development parameters within which five development sites will be redeveloped to comprise a mixed-use waterfront neighborhood, these WPD regulations are intended to respect the fabric of existing surrounding waterfront uses to remain, as well as be compatible with the surrounding context of the Village of Haverstraw.

The bulk controls of the district are intended to permit flexibility of development on WPD zoned sites while establishing parameters, which are compatible with a Hudson River location and proximity to the Village's downtown.

All regulations of the WPD District including height, density and arrangement of buildings, are applied on an overall basis to the total area of the WPD District and will take place in accordance with a Concept Development Plan approved by the Village Board of Trustees.

The maximum proposed residential density for the district is approximately twenty-five (25) units per gross acre of land within the WPD District. Maximum building coverage is forty-five percent (45%) including accessory uses and structures. Building height is to be a maximum of sixty (60) feet except that the first row of buildings located adjacent to the planned promenade shall not exceed a maximum height of forty-three (43) feet. Roof structures that occupy a small portion of the roof area and not more than fifteen (15) feet in height shall be permitted. There is also a ten (10) foot minimum yard requirement and a minimum forty-five (45) foot setback from the water measured from the bulkhead or from the top of a sloping rip-rap wall, along no less than 80 percent of the land use area. (See [Map 10, Proposed Waterfront Zoning Amendments](#))

Additionally, the WPD District includes a further distinction in the height requirements, to assure maximum retention of sightlines, by requiring an analysis of sightline preservation as a part of site plan review.

Parking shall be provided in a combination of on-street and off-street parking facilities. At least 85 percent (85%) of the parking required for any use shall be located within the boundaries of the WPD District and the remainder may be located outside the district boundaries as long as they are within five hundred (500) feet of the uses they are intended to serve and are demonstrated to be under the control of the applicant for site plan approval.

In the WPD District, appropriate permitted and accessory land and water uses are identified. The revised zoning regulations are an appropriate means to implement the coastal policies outlined in the LWRP.

Application: These land use controls are necessary tools for implementation of the following policies: Development: Policies 1, 2, 4, 5, and 9; Public Access: Policies 19, and 20; Recreation: Policy 21.

2. Subdivision Regulations

(Adopted by the Village Board June 8, 1970)

These regulations enable the Planning Board to establish standards for the division of land into building lots, the design and construction of improvements and the review of plans and specifications prior to subdivision approval.

Application: These regulations are particularly important to achieve the goals of the Development Policy 5; Flooding and Erosion Policies 14 and 17; Public Access Policies 19, and 20; Scenic Resource Policies 25; and, Water and Air Resource Policies 32, 33, 38 and 44.

3. Environmental Quality Review

State law requires local governments to administer compliance with the State Environmental Quality Review Act. Adherence to SEQR procedures allows the "lead" agency to identify possible adverse impacts of proposed actions on any aspect of the physical environment at the earliest possible state and to recommend or require appropriate mitigation measures. This law provides an appropriate means of ensuring that local agency actions are consistent with coastal management policies.

Application: This law is necessary for implementation of the following policies: Development Policies 1, 5, and 6; Fish and Wildlife Policies 7 and 8; Flooding and Erosion Hazard Policies 11, 12, and 13; General Policy 18; Historic and Scenic Resources Policy 24; and, Water and Air Resources Policies 33 and 35.

4. Freshwater Wetlands

State laws regulate tidal and freshwater wetlands. The Village will preserve and protect its tidal and freshwater wetlands to the maximum extent possible by informing the appropriate State and/or federal agencies concerning possible violations of these laws.

Application: This law is appropriate for implementing Fish and Wildlife Policies 7 and 8; Flooding and Erosion Policies 14 and 17; Water and Air Resource Policies 33, 34, 35 and 37; and, Wetlands Policy 44.

5. Flood Damage Prevention Law

This local law requires permits for construction within flood hazard areas identified by the Federal Emergency Management Agency. By enacting such legislation, the community enables the property owners to be eligible for flood insurance and is entitled to federal aid in the event of a flood related disaster. Projects within the flood hazard area are reviewed to ensure that hazards from flooding are minimized through appropriate standards concerning construction techniques and materials, siting, and protection and maintenance of drainage areas. The law is administered by the Village Code Enforcement Officer. Appeals may be made to the Zoning Board of Appeals

Application: These regulations are used to achieve Flooding and Erosion Policies 11, 14 and 17.

6. Tree Removal Regulations

These local regulations require a permit for removal of trees over eight inches in diameter measured at four feet above the ground except for additions or alterations to one or two-family homes which are exempt. These regulations enable the Board of Trustees to establish standards for the clearing of properties and the review of plans and specifications prior to permit approval to ensure that land clearing operations are safely conducted and potential adverse environmental impacts are minimized through appropriate standards concerning clearing techniques and protection and maintenance of drainage areas. The law is administrated by the Village Code Enforcement Officer. Applications are processed and referred to the Board of Trustees.

Application: These regulations are used to implement Recreation Policies Scenic Quality Policies 24, 25, and 25A.

7. Local Waterfront Consistency Law (Local Law No. 4)

This Village law creates the Haverstraw Waterfront Advisory Committee and requires that all local boards, agencies and commissions consider policies and purposes contained in the Local Waterfront Revitalization Program when reviewing proposed actions in the Waterfront Revitalization Area and act consistently with those established policies and purposes.

The Village of Haverstraw Planning Board is empowered to review and make recommendations to Village agencies regarding the consistency of proposed actions with the Waterfront Revitalization Area. (See Appendix C.)

B. MANAGEMENT STRUCTURE TO IMPLEMENT THE PROGRAM

1. Haverstraw Waterfront Advisory Committee

It is the intention of the Village of Haverstraw that the revitalization of the Village take place in a coordinated and comprehensive manner that ensures a proper balance between the protection of natural resources and the need for economic development and revitalization. To monitor and coordinate the preparation of this Local Waterfront Revitalization Program, a Haverstraw Waterfront Advisory Committee (WAGWAC) comprised of concerned citizens and Village Board members has been established.

a. Appointment and Composition

Members are selected for their demonstrated knowledge, ability and commitment to serve the committee in the functions described below, and with due regard for maintaining among the membership a range of special aptitudes and expertise relevant to the committee's work.

WAC meetings are open to the public. The Committee maintains and distributes minutes of its proceedings. A majority of the members constitutes a quorum.

The Chairman of the WAC is the local official responsible for preparation of this LWRP.

b. Functions and Power

Specific Responsibilities for Implementation and Management - all Village boards, commissions and staff retain their present responsibilities. The WAC will exercise its advisory capacity to review and make recommendations to the Village Board on any matters within its jurisdiction during the preparation of this LWRP.

The WAC will continue to provide advice and guidance in the implementation of this LWRP to the Department of State and the Village Planning Board. The Planning Board in its capacity as the Coastal Consistency Board, will undertake consistency reviews and make determinations of consistency of projects with the policies of the LWRP.

The Planning Board also will continue to review and approve site plans for projects within the Village as a whole except will only make advisory recommendations to the Village Board regarding projects within the Waterfront Planned Development District.

The Planning Board will continue to review subdivision plans.

The Village Board has the authority to approve and fund (or secure funding for) specific improvements necessary to implement the LWRP.

The Planning Board will consult with other Village agencies on all appropriate matters relating to conservation, development or regulations in the Waterfront Revitalization Area and, where appropriate, make recommendations to responsible agencies to assure consistency with the LWRP.

2. Procedures to Assure Local Actions Comply with the LWRP

Any agency, private group or individual proposing an action within the coastal area will be asked to refer the proposal to appropriate agencies to ensure that the Planning Board has an opportunity to review the proposed action. This procedure will assist the Planning Board to determine whether or not proposed actions are consistent with the Village's coastal policies as presented in the LWRP. Actions that are consistent with the LWRP will be recommended by the Planning Board to the responsible agency for approval and those that are inconsistent will be so indicated and recommended for modification or disapproval unless:

- a. No reasonable alternatives exist that would avoid or overcome any substantial hindrance to the achievement of such policies;
- b. The action will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable;
- c. The action will advance one or more of the other coastal policies; and
- d. The action will result in an overriding local, regional or statewide public benefit.

Each Village agency, including the Village Board, has been issued a copy of the LWRP and will be instructed to refer all development, regulatory, review or public Improvement actions within or affecting the coastal zone to the Planning Board.

The Planning Board will review actions for consistency with the LWRP and comment to the initiating agency within a designated period (approximately 30 days - short enough not to impede action, but long enough for the Planning Board to receive and consider necessary information).

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

See Appendix F

4. Procedural Guidelines for Coordinating NYS Department of State (DOS & LWRP Consistency Review of Federal Agency Actions

See Appendix G

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

In addition to the local laws and regulations identified above, a number of other public and private actions will be necessary to implement the Village's LWRP.

1. Proposed Projects

The Village has identified a number of improvement projects designed to address and implement many of the LWRP Policies outlined in Section III. These projects are discussed in detail in Section IV. The projects seek to:

- restore and revitalize underutilized waterfront sites and the downtown area;
- improve existing public recreation facilities and provide additional public access and recreational opportunities to the waterfront and other areas of the Village;
- link public sites along the waterfront and throughout the Village; and
- protect and improve the village's natural resources.

In implementing these projects the Village will seek to develop a full range of public/private partnership. Actions necessary to implement these projects are discussed in Section IV.

2. Hudson River Valley Greenway

The Village of Haverstraw LWRP, through its policies and proposed projects, furthers the goals of the Greenway Communities Council and the Greenway Heritage Conservancy for the Hudson River Valley. The Hudson River Valley Greenway encourages compatible economic development while preserving the resources and natural beauty of the Hudson River Valley—one of the main objectives of the Village's LWRP. As such, the Village of Haverstraw has identified the Hudson River Valley Greenway Communities Council and the Greenway Conservancy for the Hudson River Valley as important partners in the implementation of the Village's LWRP.

The Village has incorporated the five basic criteria identified as the basis for attaining the goal of a Hudson River Valley Greenway within the policies, proposed land use, and proposed projects outlined in the Village of Haverstraw LWRP. These criteria are: (1) natural and cultural resource protection; (2) regional planning;(3) economic development; (4) public access and; (5) heritage environmental education.

This means that the Village of Haverstraw LWRP should be acceptable as the Village of Haverstraw's local greenway plan, allowing the designation of the Village of Haverstraw as a participating "Greenway Community." The Village of Haverstraw LWRP should form the basis of the community's planning input into the sub-regional Greenway Compact planning process.

One of the main objectives of the Hudson River Valley Greenway is to promote public access to the Hudson River, with a goal being the creation of a trail from the City of Troy to Manhattan along the Hudson River. The Village of Haverstraw will work with the Trail Coordinator of the Greenway Conservancy for the Hudson River Valley to develop and further the access projects contained in the Village of Haverstraw LWRP and to insure their inclusion as part of the designated Hudson River Valley Greenway Trail system and the Hudson River Waterway Trail.

3. Historic Preservation and Revitalization Programs

Recognition of Historic Resources

- a. A historic preservation survey should be conducted in cooperation with the State Historic Preservation Officer. Eligible resources and potential historic districts will be nominated to the National Register of Historic Places.
- b. Design guidelines are being drafted for historic and scenic areas describing appropriate design and restoration techniques and compatible development based on a detailed analysis of existing architectural styles and other elements that contribute to the historic character and scenic quality of the area.

The design guidelines should recommend color, materials, finishes, textures, facade, shapes, landscaping elements, signage, architectural details, paving, appropriate scale, and fences.

The guidelines could be used by local property owners and the Planning Board and Architectural Review Board prior to approving new developments or additions.

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

Financial resources in varying amounts are required to implement the three types of actions in the LWRP--legal, administrative and physical projects. Resources necessary for the first two categories are relatively small and can be included in normal annual budget allocations. While the list of physical projects has been intentionally limited to those of highest priority, several are beyond the normal financial capacity of the Village. Although the Village will take the lead in the implementation of the LWRP, it is unlikely that the village will be able to provide the necessary financial resources to implement any of these physical projects without seeking financial assistance from other entities or as part of a public/private partnership.

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 competitive. The Village will work closely with the New

York State Department of State, Division of Coastal Resources and Waterfront Revitalization, to identify possible funding sources. Possible funding sources to implement projects may include, but are not limited to:

- Rockland County Industrial Development Agency
- EQBA - Environmental Quality Bond Act
- Private developers, as part of a development
- Private donations
- New York State Department of Environmental Conservation (NYS DEC)
- Hudson River Foundation
- Open Space Institute
- Hudson River Estuary Grant Program
- The Hudson River Valley Greenway Community Council & Greenway Conservancy
- New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP)
- New York State Department of State (NYS DOS)
- Heritage Task Force
- Earmarked highway funds and any other discretionary transportation funding from NYS
- New York State Clean Water/Clean Air Bond Act
- New York State Environmental Protection Fund
- ISTEA Transportation Enhancement Program and Hazardous Rail Crossing Program
- New York State Council on the Arts
- Hudson River Improvement Fund
- Local sponsorship projects (from the local business community)
- HUD programs such as CDBG, Section 108, EDI and BEDI - may be a source of funding for the esplanade park (shoreline restoration, environmental clean-up), continued revitalization of Main Street and other Village improvements
- New York State Brownfield Opportunity Areas Program (NYS DOS)
- Environmental Restoration Program (NYS DEC)
- Environmental Protection Agency (EPA), Brownfield's Pilot Program
- Congressional allocations for intermodal transportation needs (parking garage), and transportation improvements.

A key element in building the necessary financial resources is the availability of a local match from the Village. This match is essential in leveraging public or private sector money. The local match can be achieved through: direct funding by the Village; the provision of equipment, supplies, materials or Village public works labor; donated professional services or; the use of volunteers and staff time to provide a monetary equivalent. It is also advantageous to try to link LWRP project implementation to other capital improvement work that is going on within the Village, such as a development proposal or public works project, stretching the benefits of limited public funds while achieving multiple objectives.

SECTION 6
STATE AND FEDERAL ACTIONS AND PROGRAMS
LIKELY TO AFFECT IMPLEMENTATION

State and federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and federal agencies is also likely to be necessary to implement specific provisions of the Village of Haverstraw 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 somewhat 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 the Village of Haverstraw LWRP. Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways (New York State 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 LWRP's. 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 Village of Haverstraw LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements can not be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and federal assistance needed to implement the LWRP.

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

1. STATE AGENCIES

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs
- 4.00 Permit and approval programs:

- 4.01 Custom Slaughters/Processor Permit
- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

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

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Approval (Substance Abuse Services Program)
- 3.00 Permit and Approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 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 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.

DEPARTMENT OF ECONOMIC DEVELOPMENT

- 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.

EDUCATION DEPARTMENT

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

EMPIRE STATE DEVELOPMENT CORPORATION and its subsidiaries and affiliates

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

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 powergeneration 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 Animal
- 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

- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit
- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval - Drainage Improvement District
- 9.57 Approval - Water (Diversion for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, sub 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the state.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures on a navigable water.

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy.
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program 4.00 Greenway Trail activities
- 4.00 Greenway Trail Activities

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

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

HOUSING FINANCE AGENCY

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

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (regional agency)

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities

- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

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

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources.

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.

NEW YORK CITY TRANSIT AUTHORITY (regional agency)

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

2.00 Increases in special fares for transportation services to public water-related recreation resources.

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 program.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)

3.03 Operating Certificate (Enriched Housing Program)

3.04 Operating Certificate (Home for Adults)

3.05 Operating Certificate (Proprietary Home)

3.06 Operating Certificate (Public Home)

3.07 Operating Certificate (Special Care Home)

3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

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

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

NEW YORK STATE THRUWAY 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 Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters
- 4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways

- (b) Bridges on the State highways system
- (c) Highway and parkway maintenance facilities
- (d) Rail facilities

3.00 Financial assistance/grant programs:

- 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
- 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
- 3.03 Funding programs for rehabilitation and replacement of municipal bridges
- 3.04 Subsidies program for marginal branchlines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

- 4.01 Approval of applications for airport improvements (construction projects)
- 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property

5.00 Preparation or revision of the Statewide Master Plan for Transportation and subarea or special plans and studies related to the transportation needs of the State.

6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

DIVISION OF YOUTH

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

2. FEDERAL AGENCIES

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Service

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATNP).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishments of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

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

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Sections 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 Service

- 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) 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 Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities

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

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

15.400 Outdoor Recreation - Acquisition, Development and Planning
15.402 Outdoor Recreation - Technical Assistance
15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic
Monuments
15.411 Historic Preservation Grants-in-Aid
15.417 Urban Park and Recreation Recovery Program
15.600 Anadromous Fish Conservation
15.605 Fish Restoration
15.611 Wildlife Restoration
15.613 Marine Mammal Grant Program
15.802 Minerals Discovery Loan Program
15.950 National Water Research and Development Program
15.951 Water Resources Research and Technology - Assistance to State Institutes
15.952 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

B. STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE VILLAGE OF HAVERSTRAW LWRP

1. STATE AGENCIES

DEPARTMENT OF ECONOMIC DEVELOPMENT

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

OFFICE OF GENERAL SERVICES

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

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

1. Provision of funding for Greenway projects and planning, including the Hudson River shoreline trail or path, park improvements, and general tourism promotion.
2. Designation of the various elements of the Greenway Trail within the Village as part of the Hudson River Greenway Trail.
3. Inclusion of the Village's recreation pier in the Hudson River Waterways Trail.

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL

1. Provision of funding and technical assistance for Greenway projects and planning, including the Hudson River shoreline trail or path, park improvements, signage, and general tourism promotion.
2. Acceptance of the Village of Haverstraw LWRP as the community's Greenway Plan.

OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

1. Planning, construction, renovation, expansion of funding for recreational facilities, including improvements to Village parks and trails.

2. Provision of funding for State and local activities from the Land and Water Conservation Fund.
3. Provision of funding from the Environmental Protection Fund for improvements to parks and recreational facilities within the Village.
4. The proposed linkage of public parks should be designed and constructed and implemented with the cooperation and assistance of the Taconic Regional Office. This trail system would eventually link with other local trails to become part of the Hudson River Greenway Trail System.

DEPARTMENT OF STATE

Provision of funding and technical assistance for all aspects of implementation of the LWRP, including the provision of funding from the Environmental Protection Fund for project design and planning.

DEPARTMENT OF TRANSPORTATION

Traffic impacts from new development may require assistance from DOT in determining appropriate level of service and designing mitigation measures, particularly where Village streets and State Route 9W intersect.

2. FEDERAL AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

Funding under the Community Development Block Grant Program for improvements in the waterfront.

DEPARTMENT OF DEFENSE

U.S. Army Corps of Engineers

Technical and financial assistance associated with possible dredging and shoreline stabilization projects that may be proposed as part of a project along the Village's shoreline.

DEPARTMENT OF THE INTERIOR

National Park Service

Provision of funding under the Land and Water Conservation Fund Program.

ECONOMIC DEVELOPMENT ADMINISTRATION

Assistance under the Public Works and Economic Development Act for street improvements.

DEPARTMENT OF TRANSPORTATION

Coast Guard

Federal review and designation of Special Anchorage area

SECTION 7
CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE,
REGIONAL AND LOCAL AGENCIES

A. Local Consultation

Consultation has consisted of maintaining liaison with Village agencies whose actions or functions may be affected by the LWRP. Waterfront issues were initially identified on September 25, 1996 during the first stage of this LWRP preparation. At a public meeting in December 1999 a preliminary concept plan was presented to Village residents by MGD Holdings. That plan which is being refined through the review process, includes a range of public and private uses including a children's museum, parking garage, pier, residences, restaurant, inn, promenade, and park. The most recent public workshops designed to foster public participation in the development of this LWRP were held on October 28, 2000 and November 13, 2000. Concerted community outreach and published notification prior to these meetings resulted in significant public attendance and participation. Regular meetings of the Waterfront Advisory Committee, Village Board, and Planning Board have been held relating to planning for and implementation of the LWRP.

Planning for the LWRP in the Village of Haverstraw area can be affected by other communities along the Hudson (waterfront). There have been and will be consultation with these communities relating to implementation of the LWRP.

B. Regional Consultation

The Rockland County Planning Department was consulted early in the program to discuss the nature of the LWRP and to offer the opportunity to comment on County concerns that the program might address. Ongoing contact has been maintained with the County Planning Department throughout the preparation of this program. Rockland County Planning staff has attended Technical Committee (TAC) meetings, several Village workshops, and most recently, Village and staff of the preferred waterfront developers, MGD, met with the County Planning staff on October 16, 2001.

C. State Agency Consultation

1. Department of Environmental Conservation: Contacts were made to gather data concerning flood hazard management, wetland designation and fish and wildlife resources.
2. Department of State: The Village has maintained contact with the Coastal Resources Management staff at the Department of State since the inception of the program. The Department of State was requested to help produce a "LWRP-like" document as part of the Village's Waterfront Redevelopment Program to allow the Village to achieve the objectives of its 1993 Village Master Plan. The Village, the Greenway Council, and the Department of State began meeting monthly in 1996 to prepare a LWRP

combined with established Greenway principles. Upon executing an Interim Development Agreement proposing a public/private partnership to revitalize the downtown waterfront area, the Village secured further technical assistance and financial resources to ensure program implementation. Personnel from the Department of State attended the community workshops held on October 28, 2000 and November 13, 2000 and advised members of the public regarding the role of the State in the process.

Consultation with the Department of State has taken place throughout the preparation of the LWRP and Coastal Resources staff have continued to play a vital role in the revision and enhancement of this program. In addition to matters dealing directly with preparation of this program, discussion has concerned methods of implementation and legal and programmatic concerns.

3. Review of Draft LWRP by State, Federal and Local Agencies

The completed draft LWRP (and Draft Environmental Impact Statement), accepted by the Village Board of Trustees, was forwarded to the Secretary of State for review by State and Federal agencies, adjacent waterfront communities, and Rockland County, initiating a 60-day review of the Draft LWRP pursuant to the NYS Waterfront Revitalization of Coastal Areas and Inland Waterways Act. A public hearing was held on the draft LWRP and DEIS. Comments received at the public hearing and/or in writing were analyzed by the Village Board and the Waterfront Advisory Committee. Upon receiving all comments, the Village Board, as lead agency, prepared a Final Environmental Impact Statement (FEIS) which provided responses to all comments. Based on the FEIS, a final LWRP was prepared.

D. Federal Agency Consultation

Army Corps of Engineers: Contacts were made with the Army Corps of Engineers concerning shoreline repairs, reconstruction and stabilization and potential wetlands disturbance.

U.S. Coast Guard: Initial contacts were made with the U.S. Coast Guard to discuss procedures for designation of a Special Anchorage area.

SECTION 8 LOCAL COMMITMENT

The program to achieve local commitment is described below:

A. Waterfront Advisory Committee

To monitor and coordinate the implementation of this Local Waterfront Revitalization Program, a Haverstraw Waterfront Advisory Committee (WAC) comprised of concerned citizens and Village Board members was established.

The Committee was assigned major responsibility for guiding and developing the program. During the planning period the Committee met at least once a month in public sessions, including a kick-off meeting on March 12, 1997 and Village public workshops on October 28, 2000 and November 13, 2000. The entire Committee endorsed the program developed herein and recommended it to the Village Board.

B. Public Meetings

The general public was informed of the planning process through public information meetings and public participation workshops (see above). 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 issues had been identified and the policies and overall program were being developed. A preliminary concept plan presented by MGD Holdings as part of a public-private partnership to foster implementation of portions of this program was presented to the public at a point when modifications could be incorporated into the earliest concepts based on public response (December 1999). Public participation workshops were held to provide information to Village residents and the business community and to gather public input relative to this LWRP. Public hearings were held under the State Environmental Quality Review Act to consider the LWRP and the proposed local laws to implement the LWRP.

C. Briefings

The Mayor and several Village Board members followed the activities of the Waterfront Advisory Committee and the preparation of the LWRP throughout the planning process and attended committee meetings.

APPENDIX A

HARBOR MANAGEMENT PLAN

VILLAGE OF HAVERSTRAW HARBOR MANAGEMENT PLAN

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Map 1 Harbor Chart

APPENDICES

Appendix: Underwater Ownership **Map 1, Map 2, Map 3**

I. HARBOR MANAGEMENT AREA

The Coastal Area Boundary follows the Village of Haverstraw's western municipal boundary. Thus, the entire incorporated Village of Haverstraw lies within the State designated Coastal Management Area.

The boundary of the Village of Haverstraw Local Waterfront Revitalization Area (the "Waterfront Revitalization Area") is intended to include land and other features of the village which may have a direct and significant impact on the coastal waters of the Hudson River. As shown on Map 1A in the LWRP, the northern and southern and western limits of the Waterfront Revitalization Area follow the respective boundaries of the Village of Haverstraw. The eastern waterside boundary extends 1,500 feet of the mean low water line of the Hudson River. Similarly, the Harbor Management Area includes the shoreline uses and all lands underwater extending 1,500 feet of the mean high water line.

II. DESCRIPTION AND HARBOR MANAGEMENT ISSUES

A. VILLAGE AND HARBOR DESCRIPTION

As shown on Map 1 in the LWRP, the Village of Haverstraw is located along the west bank of the Hudson River, approximately 35 miles north of New York City and about 15 miles south of Bear Mountain State Park.

The Village of Haverstraw is located in the east-central portion of Rockland County. Rockland County is separated from Westchester County by the two largest bays of the Hudson River's course: Haverstraw Bay and the Tappan Zee. The length of the Village's shoreline along the Hudson River is 3.2 miles.

A portion of the Palisades Interstate Park is located along the Village's western border. This portion of the Park is called High Tor State Park, and is largely undeveloped. The Long Path runs through High Tor, with hiking as a major activity.

B. HARBOR NAVIGATION AND SAFETY

Depths in the Hudson River adjacent to the Village of Haverstraw range from 0 feet at the water's edge to between 10 and 17 feet just west of the river's deeper middle channel. As shown on the attached Harbor Chart, a 32-foot deep federal shipping channel is located approximately 3,000 east of the Village in the Hudson River.

C. HISTORIC MARITIME RESOURCES

Brickworks fueled the growth of the village's economy. By 1883, there were 42 brick yards in operation along the Hudson, which employed 2,400 workers and produced more than 300 million bricks annually. Thanks to the area's natural yellow and blue clay deposits, the industry flourished for more than 100 years while Haverstraw became known as "the brick making center of the world." Haverstraw's proximity to the Hudson River enabled it to fuel the growth of industrial activity into the 20th century.

Two piers - Emeline and Christine - have historically been associated with the Village's waterfront. The Village hopes to develop a permanent ferry service at the foot of Main Street, and develop a pier for fishing and other recreational uses on a new pier located at the foot of South Street.

D. MARITIME ECONOMY / COMMERCIAL USERS

The economy of the Village has always depended on the economic activity generated by the waterfront. As the Village's waterfront declined so too did the economy of the Village, particularly its Main Street business district. The Village's maritime economy is not extensive. The predominant land uses within the Waterfront Revitalization Area are commercial, industrial and residential. In the center of Haverstraw's waterfront are two local marinas: Rockland-Bergen Boat Club with 40 boat slips and a boat launch/ramp; and Haverstraw Elks Lodge with approximately 35 slips. A former vacant industrial site south of the marinas, known locally as the Keahon property, was recently improved and is now the temporary site of the Haverstraw Ferry landing. It consists of approximately 256 parking spaces for commuters taking the trans-Hudson ferry service to Ossining.

The MIRANT Power Plant is a water dependent use because it requires large amounts of water for its operation. A portion of the facility containing fuel tanks is located in the northerly portion of the waterfront area. The power plant is generally a negative aesthetic and environmental factor in the Village. Intakes in Bowline Pond may be causing accelerated shoreline deterioration.

The Tilcon Industries rock quarry is also a water dependent use because it utilizes shipping facilities on the Hudson River. The facility is served by one dock situated parallel to the shore. Barges are anchored at buoys several hundred feet offshore and are towed into the dock for loading. They are loaded with aggregate and then moored offshore for pick up with tugboats. Machinery on the dock includes equipment for loading and conveying aggregate onto the barges.

E. UNDERWATER LANDS

The ownership of underwater lands adjacent to the Haverstraw shoreline has been researched at the NYS Office of General Services in Albany. As shown on the maps included in the Appendix, ownership is divided among a variety of individual and industrial users. It is clear that few of these users continue to assert an interest in these underwater lands. Underwater lands from a point approximately 1,500 feet east of the Village in the Hudson were granted to the United States in 1937.

F. WATERFRONT INFRASTRUCTURE

Waterfront infrastructure includes the local streets which provide pedestrian and vehicular access to the waterfront, the ferry landing pier, and the two marina facilities noted earlier. The Rockland-Bergen Boat Club also has a boat launch/ramp. Neither of the two marinas has fueling capabilities or pump-out facilities. Neither are other boater services available at each marina.

Depending on location, the shoreline is stabilized with concrete debris, and/or riprap, concrete walls / bulkhead, and timber piling. In a few locations, the shoreline slopes gradually to the water line.

Revitalization of the waterfront will necessitate additional investments in the shoreline stabilization, to allow construction of public pedestrian access, pavilions, and seating areas along the waterfront, installation of new docks and marina facilities, and a floating restaurant / learning center, and construction of a pedestrian bridge. Map 5A, included with the LWRP, illustrates the needed shoreline improvements

G. WINDS AND WAVES

Historically, the Village's shoreline has generally been adequately protected by the stabilization measures noted in item F above.

As needed, consideration should be given to non-structural measures to control erosion from wind and wave action. Measures to reduce wave energy could include wave fencing, and floating breakwaters.

H. FLOODING

According to maps produced by FEMA, there are several 100-year floodplains in the Village. The largest coincides with the Minisceongo Creek basin, located east of Samsondale Avenue and west of Bowline Point Park. An additional 100-year floodplain includes a significant portion of Bowline Point Park. Another significant area is located in the vicinity of the former Rockland Fuel Company site. The remaining 100-year floodplains are narrow strips of land adjacent to the Hudson River.

The only wetland area within the Village lies in the northeast section, along the Hudson River to the west of Bowline Point Park adjacent to the facilities of the MIRANT Power Plant. This wetland is part of a larger tidal marsh which extends into the Towns of Haverstraw and Stony Point, and corresponds to the 100-year floodplain. The wetland is permanently saturated and is flooded for most or all of the year and therefore acts as a natural retention basin for the storage of floodwaters. The wetland area generally abounds with wildlife, being a natural habitat for many species of bird life, insect, amphibians, and reptiles. Generally, wetland areas are considered unsuitable for development as any alteration can damage the sensitive ecology of the area. This wetland area is surrounded by an undeveloped strip of land owned by MIRANT. The narrow width of this property precludes any future development within this area.

I. RECREATIONAL BOATING & PERSONAL WATERCRAFT USE

As noted earlier, Rockland-Bergen Boat Club with 40 boat slips and a boat launch/ramp; and Haverstraw Elks Lodge with approximately 35 slips are located along the waterfront in Haverstraw.

With the growth of kayaking on the Hudson River, kayaking opportunities have been included in the Village of Haverstraw's redevelopment program, as shown on Map 5A in the LWRP.

Currently waterfront access for kayakers is located at Emeline Village Park.

Personal water craft (PWC) use has been noted to be increasing in the Hudson River adjacent to the Village of Haverstraw. Such use has the potential for adverse effects on marine life and vegetation in shallow areas. Adverse effects have been observed from

the noise generated by personal water craft, as well as by oil leaking from the engines powering these types of craft. The Village's LWRP includes a recommendation to consider promulgating a local law regulating PWC use within the Village's jurisdiction.

J. PUBLIC ACCESS AND MARITIME RECREATION

Public access to the Hudson River waterfront in the Village consists of three different types: Village parkland, the local marinas, and the commuter ferry service. See Map 9 in the LWRP, Waterfront Access Sites for locations. Each type of facility offers a different range of facilities.

1. Bowline Point Park - This park is owned and maintained by the Town of Haverstraw. The Bowline Pond Trailway allows the general public to come right up to the Hudson River's course.

2. Jefferson Street Park - also known as Landslide Memorial Park. One-half acre recreation area located at the end of Jefferson Street.

3. Emeline Village Park - includes a small floating dock used by transient boaters. Occasionally, visiting tall ships and larger vessels moor offshore and use small boats to bring people to shore at this location.

4. Local marinas - The two marinas are located in a small cove just north of the Village Department of Public Works Facility. In total, these marinas provide moorings for about 75 privately owned boats. Use is restricted to individuals that rent the use of the facility.

5. Ferry - The Haverstraw Commuter Ferry with docking facilities and related parking is convenient and accessible to local residents and to the downtown area.

6. Dutchtown Playground - One acre area located along Riverside Avenue immediately south of Tilcon's overhead conveyors.

7. Palisades Interstate Park land located in the extreme southern end of the Village along the Hudson River shoreline. This site includes a Greenway path connection to Hook Mountain State Park. The undeveloped park land includes a stone beach.

Existing and potential waterfront access points are outlined on Map 5 of the LWRP.

K. WATER QUALITY AND NATURAL RESOURCES

Water Quality

The Hudson River is the dominant water course in the Village of Haverstraw. The river is a partially stratified estuary with hydrodynamics characterized by river geometry, freshwater inflow, tidal motion and a density induced circulation. Haverstraw Bay lies immediately offshore from the Village.

New York State Department of Environmental Conservation (NYSDEC) has classified the reach of the Hudson river adjacent to Haverstraw as "SB". This classification allows for primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes. The "S" simply identifies that the water is brackish or saline.

Water quality standards established by DEC for particular constituents are presented below for SB waters.

- Total Coliform <2400/100 ML
- Total Coliform <200/100 ML
- Dissolved Oxygen >5.0 ML

Any uses along the Hudson River that would raise the coliform counts or reduce the level of dissolved oxygen would be in violation of these standards and subject to penalties. Under the present standard, the waters of the Hudson River in the vicinity of Haverstraw meet the standards for public swimming areas.

Rivers, streams and lakes in the planning area have also been classified for water quality by NYSDEC. That portion of the Minisceongo Creek that is tidal is classified "I" indicating that the water is suitable for secondary contact recreation. The lower marsh and freshwater portions of the Minisceongo Creek are class "D" waters.

Significant Habitat

Fish and wildlife habitat within Haverstraw Bay encompasses the entire river, which is the widest section of the Hudson estuary. Haverstraw Bay has extensive shallow areas (less than 15 feet deep at mean low water) which deepen to a navigation channel (which is dredged to maintain a depth of about 35 feet) in the western half of the area. During much of the year, this area is the place where freshwater from the upper river mixes with salt water from the Atlantic, producing predominantly brackish water habitats, with salinities varying from 0-10 parts per thousand (ppt). Habitat disturbances, such as dredging, shoreline filling and bulkheading, waste disposal, and pollution from upland and in-river sources, have all been significant during the recent history of this area.

Haverstraw Bay is a critical habitat for most estuarine-dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and forage fish species. Consequently, commercial and recreational fisheries throughout the North Atlantic depend on, or benefit from, these biological inputs from the Hudson River estuary.

Habitat Description: Haverstraw Bay extends approximately six miles on the Hudson River, from Stony Point to Croton Point, in the Towns of Stony Point, Haverstraw, and Clarkstown, in Rockland County, and the Town of Cortlandt, in Westchester County (7.5' Quadrangle: Haverstraw, NY; NOAA Chart No. F, 12343).

The fish and wildlife habitat encompasses the entire river over this approximate six-mile reach, which is the widest section of the Hudson estuary. Haverstraw Bay has extensive shallow areas (less than 15 feet deep at mean low water) that deepen to a navigation channel that is dredged to maintain a depth of about 35 feet) in the western half of the area. During much of the year, this area is the place where freshwater from the upper

river mixes with salt water from the Atlantic, producing predominantly brackish water habitats, with salinities that vary according to many factors, among which are inshore/offshore, freshwater flow, time of tide, and most importantly, the depth where measurement is taken. In Haverstraw Bay, channel bottoms can have salinities as high as 12-15 parts per thousand (ppt) in mid-winter and late-summer and early-fall. The land area surrounding Haverstraw Bay supports a variety of land uses, including industrial, commercial, residential, and recreational developments, although much undeveloped forestland also remains.

Habitat disturbances, such as dredging, shoreline filling and bulkheading, waste disposal, and pollution from upland and in-river sources, have all been significant at some time during the recent history of this area.

Fish and Wildlife Values: Despite various habitat disturbances, Haverstraw Bay possesses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River estuary. The regular occurrence of brackish water over extensive areas of shallow bottom creates highly favorable (if not essential) conditions for biological productivity within the estuary, including submergent vegetation, phytoplankton and zooplankton, aquatic invertebrates, and many fish species.

Although the location of the salinities vary or change in a much narrower scope than “annual” or “seasonal”, significant changes can be daily, even hourly. Frequent changes of 10%-50% can occur depending upon strength of tide or weather phenomenon. This is a very dynamic aspect of the lower brackish reach of the Hudson. Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, American shad, white perch, tomcod, and Atlantic sturgeon that are produced in the Hudson River. Other anadromous species, such as blueback herring and alewife, spawn in upstream freshwater areas, but move south and concentrate in this area before leaving the river in the fall.

Haverstraw Bay is also a major nursery and feeding area for certain marine species, most notably bay anchovy, Atlantic menhaden, and Atlantic blue crab. Depending on location of the salt front, a majority of the spawning and wintering populations of Atlantic Sturgeon in the Hudson may reside in Haverstraw Bay. Shortnose sturgeons usually winter in this area, as well. Significant numbers of waterfowl do occur in Haverstraw Bay during spring (March-April) and winter (September to January) migrations. In addition to migratory waterfowl, passing through to points south, there is a significant population of wintering waterfowl that spend the winter in Haverstraw Bay and Peekskill Bay, e.g., Bufflehead, Ruddy Ducks, Common Mergansers, Ring-necked Ducks, Black Ducks, Mallards, and Canada Geese.

Haverstraw Bay is a critical habitat for most estuarine dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and foraging fish species. Young-of-the-year bluefish and weakfish are two species of marine spawners that use the Haverstraw Bay complex for a feeding and nursery area. Consequently, commercial and recreational fisheries throughout the North Atlantic depend on, or benefit from, these biological inputs from the Hudson River estuary. Haverstraw Bay has been designated as a Significant Tidal Habitat by the NYS Department of Environmental Conservation. The DEC has identified Submerged

Aquatic Vegetation (SAV) as an important component of the Significant Tidal Habitat. The term Submerged Aquatic Vegetation (SAV) refers to plants that live under tidal waters. Most of these plants are eel grass or macroalgae. The NYS Department of Environmental Conservation's Tidal Wetlands Mapping Unit is currently undertaking a project to identify areas of SAV's, map these areas using a GIS (Geographical Information System) computer program, and make the information available to be used in a GIS program.

According to the NYS Department of Environmental Conservation, construction over or within areas containing Submerged Aquatic Vegetation should be avoided.

A list of Submerged Aquatic Vegetation and description of Submerged Aquatic Vegetation mapping is included in the Appendix. A map of the Haverstraw waterfront showing Submerged Aquatic Vegetation is also provided on page 20.

In addition to Haverstraw Bay, Bowline Pond, while not included in the Significant Tidal Habitat designation, does possess significant amounts of Submerged Aquatic Vegetation.

L. WATERFRONT LAND USE, ZONING AND REDEVELOPMENT

The predominant land uses within the Waterfront Revitalization Area are commercial, industrial and residential. In addition, the northerly and southerly ends of the Waterfront Revitalization Area consist of recreational uses. Most of the privately-owned land along the Hudson are industrial sites. Starting at the northern boundary of the Village shoreline, a property owned by Southern Energy, located just west of Bowline Park, contains fuel storage tanks associated with the MIRANT Power Plant.

The former Empire Chair Factory is located just south of Bowline Park, though separated by a small channel of water. This property contains the remains of a relatively large industrial building which was in operation until March 1995. A fire in the summer of 1995 destroyed most of the large structure. Vacant waterfront land locally known as the Damiani property separates the former chair factory site and Emeline Park. South of Emeline Park is an open space property and restaurant site jointly owned by the Village of Haverstraw and Scenic Hudson. The area further south contains single-family residences and several vacant lots.

In the center of Haverstraw's waterfront are two local marinas: Rockland-Bergen Boat Club with 40 boat slips and a boat launch/ramp; and Haverstraw Elks Lodge with approximately 35 slips. The formerly industrial site south of the marinas, known locally as the Keahon property, was vacant until recently. Currently it is the temporary site of the Haverstraw Ferry landing. It consists of approximately 256 parking spaces for commuters taking the trans-Hudson ferry service to Ossining. Directly south, the Rockland Fuel site, vacant since 1995, was formerly used as a fuel storage depot. Adjacent inland sites in the area include two small machine shops, the Village Department of Public Works, and several single family residences. South of this area is a large vacant parcel which was formerly used for the manufacture of concrete pipe. South of this area is the Tilcon Industries industrial complex, which includes a quarry, a rock processing facility, and an asphalt plant.

Other land uses within the Waterfront Revitalization Area include a restaurant immediately south of Emeline Park, and the Haverstraw Elks Lodge located about 500 feet south of the restaurant. As noted above, Bowline Park is located at the northerly end of the Waterfront Revitalization Area, while a portion of the Palisades Interstate Park is located at the southerly end of the Waterfront Revitalization Area.

Commercial uses within the Waterfront Revitalization Area are concentrated in the central business district which consists of parts of Broadway, Main Street and New Main Street. The central business district primarily consists of a variety of small retail and personal service establishments. Most of these establishments are oriented to serve the needs of Haverstraw's residents, and do not serve the wider region.

Within the central business district are a number of upper story residences as well as first floor residences that were formerly street level commercial uses. A small area of residences is located along First Street, just west of the Hudson River. In addition, a neighborhood of just over 30 single-family residences is located south of the Tilcon Industries land holdings.

Zoning

Map 8 in the LWRP shows the Existing Zoning plan of the Village of Haverstraw.

The area immediately adjacent to the waterfront, has been categorized into four zoning districts: SP, Special Purpose; WD, Waterfront Development; PI, Planned Industrial; and R-1, First Residence. The remainder of the Village is zoned for a variety of residential districts including a Planned Residential Development (PRD) and various business districts. There is a Central Business District (CBD), Professional Office District (PO), a Highway Business District (HB), and a Mountain Protection Overlay District (M) which works in conjunction with the underlying district to restrict development on areas with steep slopes.

The northern and southern most areas of the waterfront have been placed into the SP zoning district. This zoning district was created to permit public parks and recreational facilities, public schools, public and semi-public uses, and cemeteries. The two SP zoning districts along the Hudson River contain Bowline Park and the large wetland just west of the park, and State parkland in the southerly portion of the Village.

The current WD zoning district is located in the central portion of Haverstraw's waterfront. The purpose of this zoning district is to provide for the development of uses generally associated with waterfront activities. Uses permitted by right include boat hauling, launching, mooring, dry storage and dry sailing facilities; public and private recreational facilities; docking facilities for tour boat services and similar passenger vehicles; maritime centers and similar facilities which utilize the waterfront for recreational, educational, cultural or scientific uses; waterfront trails, parks, and scenic overlooks; supplies, equipment, materials and parts used in connection with boats and/or fishing; facilities for the sale and/or rental of boats, new and/or used. Special permit uses include marinas, including related uses such as boat dockage, clubhouses, locker rooms, equipment sales, eating and drinking facilities and boat services facilities; multiple dwellings (subject to the standards of the Planned Residential District); restaurants, excluding drive-in and fast food restaurants; business, professional and government offices; light industrial uses; solid waste management facilities and/or

resource recovery facilities; and commuter passenger ferry service with docking facilities and related parking. Much of the future development of Haverstraw's waterfront area will occur within this area currently zoned WD.

Waterfront land within the Planned Industrial (PI) zoning district consists of the Tilcon Industries facility. This zoning district permits the following selected uses: light industrial uses, research and development laboratories, offices, and automotive uses as-of-right. Heavier industrial uses including quarries, concrete plants, and bulk oil storage among other uses are permitted by special permit. However, the waterfront area will continue to be used in conjunction with the existing quarry operation into the foreseeable future (99 years).

Just south of the PI zoning district is a small pocket of residences in a R-I zoning district. This zoning district is intended to permit the development of single-family dwelling units, along with a number of compatible uses which include churches, parks and playgrounds, schools, museums, libraries, community centers, and fire, police and similar public buildings. Permitted densities are the same as those in the existing WD district.

Potential Redevelopment Sites

The following is a listing and description of vacant, underutilized and deteriorated sites within the waterfront coastal area of the Village of Haverstraw. These sites are identified on Map 4, Selected Existing Conditions of the LWRP.

1. The Warren Court property, formerly a residential site, requires environmental remediation activities prior to redevelopment.
2. Former ambulance site
3. The former site of the Empire Chair Factory is currently not in use. The site contains the remains of a relatively large industrial building, which occupies much of the property.

This site is ideal for a mixed-use, residential, commercial/retail development which would allow public access to the waterfront and enable the greenway path/or riverfront promenade to reconnect the Village of Haverstraw, particularly the downtown, with its waterfront.

4. A vacant 1.5 acre parcel located between the former Empire Chair factory property to the north and Emeline Park to the south known as the Damiani property. The property is currently vacant, although there are some old pier footings that extend about 250 feet into the Hudson River.

5. The site south of Emeline Park, owned by the Village and Scenic Hudson, offers opportunities for expansion of the waterfront park. A portion of the site is occupied by Civile's Restaurant, a tenant of the Village. The existing parking lot on this site is currently being reconfigured to improve parking for restaurant and park patrons.

6. The 6.5 acre property just north of the Rockland Fuel Company in the industrial area east of West Street was vacant and deteriorating until recently. This site is currently developed for parking for 250+ cars to serve commuter ferry service between the Village of Haverstraw in Rockland County and the Village of Ossining in Westchester County.

7. The Rockland Fuel site, used as a fuel storage depot until 1995, still contains deteriorated buildings and tanks which contribute to the general appearance of blight and deterioration in the waterfront area.

8. The Village Department of Public Works (DPW) site is an underutilized site at a waterfront location. As part of the LWRP it is proposed that the DPW facility be relocated to a non-waterfront location.

9. The property that lies between the above-noted waterfront industrial area and Tilcon Industries is currently vacant. The site was formerly used for the manufacture of concrete pipe. The site was approved for a townhouse development a few years ago, but the project was not constructed. This site provides an opportunity to improve public access to the waterfront and create public amenities which would benefit the entire village.

10. The 7.2 acre property owned by Tilcon Industries located east of the CSX railroad tracks and west of West Street/Short Clove Road is vacant and underutilized.

In addition, there are a variety of small parcels located in the waterfront coastal area are vacant and underutilized or contain deteriorated, dilapidated, and obsolete buildings. These parcels contribute to the general appearance of blight and deterioration in the waterfront coastal area.

III. PROPOSED WATER USES

The Village of Haverstraw recognizes the need to manage their nearshore areas of the Hudson River and have integrated the Village of Haverstraw Harbor Management Plan within the LWRP. A Harbor Management Plan addresses conflict, congestion and competition for space in the use of a community's surface waters and underwater lands and provides the opportunity to identify various alternatives for the optimum use of the waterfront and adjacent water surfaces.

Section II identified the key harbor management issues concerning water use in the Village of Haverstraw. These are the large number of vacant, underutilized and deteriorated sites in conjunction with two large industrial water-dependent uses; the presence of significant habitat just offshore within Haverstraw Bay; the need for additional shoreline improvements; and to a lesser extent the current tenure of underwater lands.

As shown on Map 7 in the LWRP, the Village has identified the following existing water-dependent uses. These are proposed to be maintained within the waterfront area:

1. The Haverstraw – Ossining commuter passenger ferry
2. The MIRANT Power Plant
3. The Rockland-Bergen Boat Club and boat launch/ramp (40 slips).

4. The Haverstraw Elks Lodge (35 slips).

5. The Tilcon Industries site.

As noted earlier, the Village has identified the following locations as those best suited for water-dependent or water-enhanced uses.

1. The Warren Court property.

2. Former ambulance site

3. The former site of the Empire Chair Factory.

4. The vacant 1.5 acre Damiani parcel.

5. The site south of Emeline Park, owned by the Village and Scenic Hudson.

6. The 6.5 acre property just north of the Rockland Fuel Company in the industrial area east of West Street which currently supports the parking area for the Haverstraw-Ossining commuter ferry service. (Former Keahon site)

7. The Rockland Fuel site.

8. The Village Department of Public Works (DPW) site.

9. The property between the above-noted waterfront industrial area and Tilcon Industries. (Former pipe manufacturing site)

10. A 7.2 acre property owned by Tilcon Industries located east of the CSX railroad tracks and west of West Street/Short Clove Road.

Map 7 included in the LWRP shows the Proposed Land and Water Uses. Map 5 shows Existing and Potential Waterfront Access Sites. These maps, in conjunction with Map 9: Proposed Projects, illustrate the Village's objectives for the waterfront and water surface areas.

Continuous Public Pedestrian Waterfront Access

The Village intends to require continuous public pedestrian access along the majority of its waterfront, with connections to trailways in Hook Mountain State Park to the south, and other parklands to the north. As shown on Map 9 in the LWRP, selected portions of the promenade would connect to, and be supplemented by, trailways within the interior of the Village.

The continuous public pedestrian access would take the form of a promenade / esplanade of uniform width and would include overlooks and a pedestrian bridge (see Map 5A: Proposed Waterfront Promenade for an illustrative plan).

Waterfront Amenities and Uses

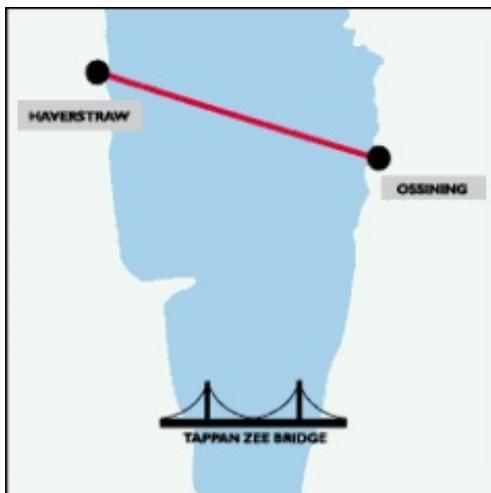
In addition to overlooks, features along the waterfront would include seating areas, pavilions, landmark poles, flagpoles and historic markers, a canoe / kayak dock, boat docks and ramps in several locations, improvements to the Village's Emeline Park (including a café terrace, information pavilions, and rest rooms, and a Recreation / Fishing Pier. An information pavilion with rest rooms would be required for the West Street Stair area at the west end of the existing marina cove.

As shown on Map 5A, additional features being considered for the waterfront include a marina adjacent to Site A (with docks for approximately 40 slips as well as a floating dock for ferries and excursion boats), a potential marina east of the Elks Club property, a floating restaurant and ecological learning center adjacent to Site B, and enhanced floating docks (for transient boater use) adjacent to the shore near South Street. To increase the waterfront's function as a tourist and visitor destination, the Hudson Valley Children's Museum is expected to relocate to a waterfront location at the foot of Main Street.

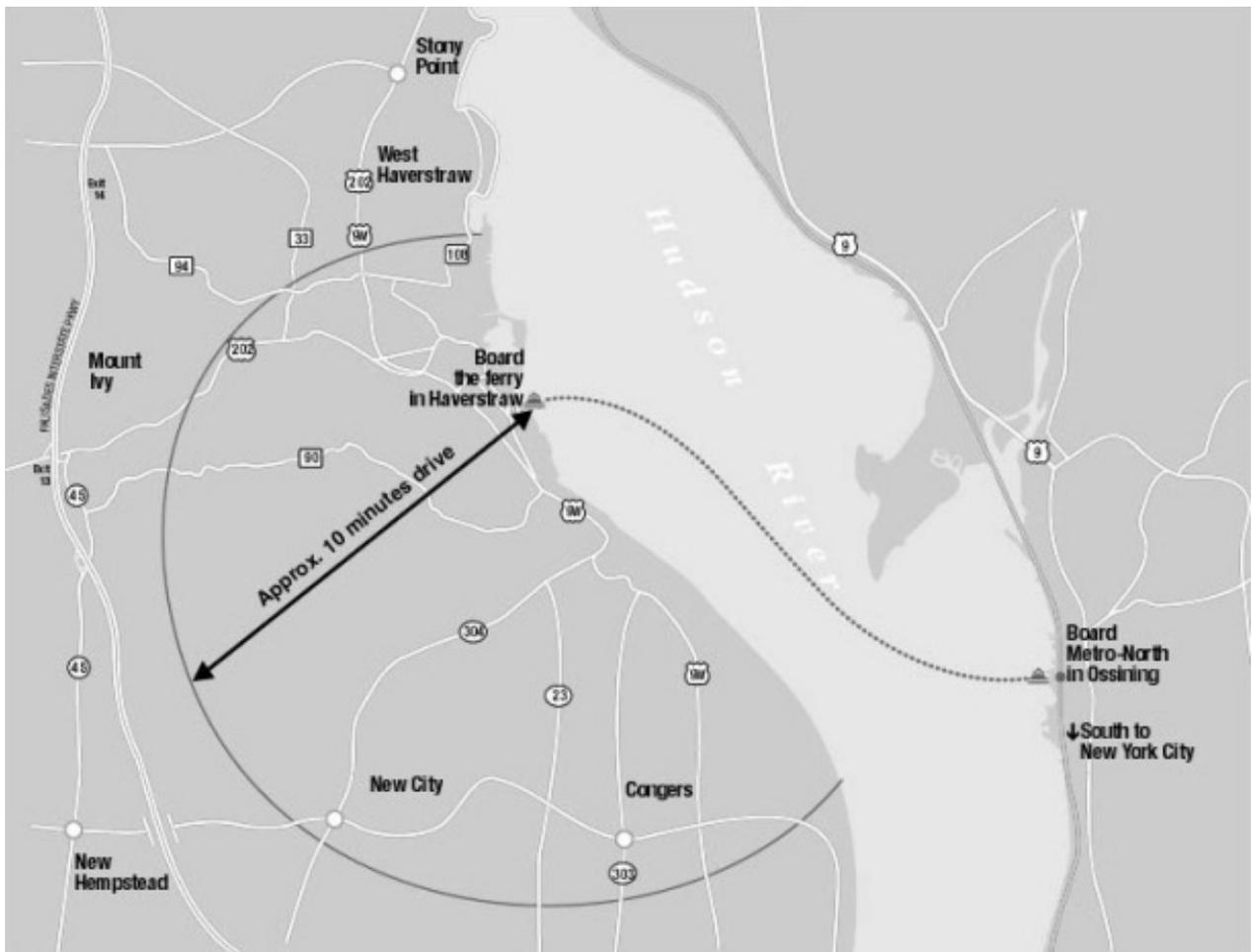
Commuter Ferry

As noted earlier, the Haverstraw-Ossining commuter ferry is currently operating from the Keahon property to the south of the Village's Central Business District, at the end of Dr. Girling Drive. This location was intended to be temporary until a location near the CBD at the foot of Main Street became available. This permanent location for the ferry landing facility would have the advantage of being multi-modal (i.e., located at a public transportation node), immediately adjacent to the downtown central business district area. A more central location would allow ferry service to be accessible to a larger population than those able to drive or walk to the current site. Signs throughout the Village of Haverstraw direct travelers and commuters to the ferry landing site.

The ferry route is shown below:



The ferry service is provided by NY Waterway via a 97-passenger Sea Otter, with 600-horsepower engines capable of traveling at 33 knots (40 miles per hour). As of April 2003, six ferry departures are scheduled in the morning (five during the peak), and nine return arrivals are scheduled in the evening (including seven during the peak, one in the off-peak afternoon, and one in the after-peak evening). The current ferry and connecting railroad schedule is shown below.



Effective April 28, 2003 through October 24, 2003												
Mornings to NY		Morning Peak	Off-Peak	Off-Peak								
Ferry	Lv. Haverstraw	05:56AM		6:28 AM	6:58 AM	7:29 AM				8:14 AM		8:48AM
	Ar. Ossining	6:13 AM		6:44 AM	7:14 AM	7:45 AM				8:30 AM		9:04 AM
		EXPRESS	LOCAL	EXPRESS	LOCAL	EXPRESS	LOCAL	LOC/EXP	EXPRESS	LOCAL	EXPRESS	LOCAL
Metro-North	Lv. Ossining	6:23 AM	6:30 AM	6:51 AM	7:23 AM	7:52 AM	7:34 AM	8:10 AM	8:37 AM		9:11 AM	
	Ar. Tarrytown	6:32 AM	6:38 AM	7:01 AM			7:42 AM	8:35 AM	8:47 AM	8:53 AMC	9:21 AM	9:28 AMC
	Ar. Yonkers		6:57 AM				8:03 AM	8:51 AM		9:12 AMC	9:32 AM	9:47 AMC
	Ar. Marble Hill		7:08 AM				8:15 AM			9:22 AMC		9:57 AMC
	Ar. 125th St.	6:56 AM	7:20 AM	7:25 AM	7:52 AM		8:27 AM	9:06 AMC	9:11 AM	9:34 AMC	9:50 AM	10:09 AMC
	Ar. GCT	7:07 AM	7:31 AM	7:36 AM	8:05 AM	8:35 AM	8:40 AM	9:18 AMC	9:23 AM	9:45 AMC	10:01 AM	10:20 AMC

C Connection required. Change at Tarrytown.

(1) Passengers can board at Ossining for Haverstraw, except at 9:04AM. Morning ferries may leave Ossining up to four minutes earlier than times indicated.

Evenings to Haverstraw	Off-Peak	Evening Peak									
		EXPRESS	LOCAL	EXPRESS	LOCAL	EXPRESS	EXPRESS	EXPRESS	LOCAL	EXPRESS	EXPRESS
Metro-North	Lv. GCT	3:41 PM	4:15 PM	4:31 PM	4:55 PM	5:17 PM	5:54 PM	6:15 PM	6:20 PM	6:50 PM	7:23 PM
	Lv. 125 St	3:51 PM	4:25 PM	4:41 PM	5:05 PM	5:27 PM	6:04 PM		6:30 PM	7:00 PM	7:33 PM
	Lv. Marble Hill	3:59 PM	4:35 PM		5:18 PM				6:40 PM		
	Lv. Yonkers	4:05 PM	4:45 PM	4:55 PM	5:27 PM				6:51 PM	7:14 PM	7:45 PM
	Lv. Tarrytown	4:23 PM	5:05 PM	5:12 PM	5:48 PM	5:51 PM	6:28 PM	6:49 PM	7:10 PM	7:25 PM	8:03 PM
	Ar. Ossining	4:32 PM	5:14 PM	5:22 PM	5:55 PM	6:01 PM	6:38 PM	6:59 PM	7:19 PM	7:35 PM	8:13 PM
Ferry	Lv. Ossining	4:37 PM		5:27 PM		6:08 PM	6:43 PM	7:14 PM		7:44 PM	8:18 PM
	Ar. Haverstraw	4:53 PM		5:43 PM		6:22 PM	6:56 PM	7:29 PM		8:00 PM	8:33 PM

Evening Ferries may leave Ossining up to five minutes earlier once all customers board.

(1) Passengers may board at Haverstraw for Ossining, except 9:35 PM. Evening ferries may leave Haverstraw up to four minutes earlier than arriving times shown.

According to ridership figures provided by the Metro-North Railroad, which operates the railroad portion of the ferry / railroad service, currently over 325 persons per day use the service. After the introduction of high-speed ferry service in July 2002, ridership increased substantially, more than doubling within several months. Average daily ridership in March 2003, was 326 persons, an increase of 126 percent from the prior year's daily average of 144 persons.

Ferries are scheduled in conjunction with Metro-North Commuter Railroad service. Fares range between \$2 for children to \$2.75 for seniors, to \$3 for adults. Free parking is provided at the ferry landing site. The lot is attended Monday to Friday between the hours of 4:30AM and 10:00AM, and 5:00PM and 10:30PM.

Existing Marina Slips

As noted earlier, marina facilities are currently located at two facilities in the Haverstraw Harbor area -- the Rockland – Bergen Boat Club and the Haverstraw Elks Lodge. The Rockland-Bergen Boat Club also has a boat launch/ramp. Neither of the two marinas has fueling capabilities or pump-out facilities. Neither are other boater services available at each marina. Given the demand for such facilities in the area, additional marina slips are desirable.

Shoreline Improvements

Revitalization of the waterfront will necessitate additional investments in the shoreline stabilization, to allow construction of public pedestrian access, pavilions, and seating areas along the waterfront, installation of new docks and marina facilities, and a floating restaurant / learning center, and construction of a pedestrian bridge. Map 5A, included with the LWRP, illustrates the needed shoreline improvements.

Special Anchorage Area

As noted above, a marina is proposed to be located adjacent to Site A. In addition to the marina, this Harbor Management Plan proposes to locate a Special Anchorage Area just east of this marina. Special Anchorage Areas are areas where vessels not exceeding 65 feet in length are not required to carry or exhibit lights when at anchorage. Special anchorages are for recreational vessels only and are under the jurisdiction of the Secretary of Transportation through the Commandant of the Coast Guard.

Bowline Pond

As a protected area along the Village's waterfront, Bowline Pond is an ideal location for a marina, or other water-dependent use.

IV. POLICIES AND IMPLEMENTATION

Harbor management plans address many maritime planning issues. They consider regional needs and, as applicable, the competing needs of commercial shipping and recreational boating, commercial and recreational fishing and shellfishing, aquaculture, waste management, mineral extraction, dredging, public access, recreation, habitat and other natural resource protection, water quality, open space needs, aesthetic values, common law riparian or littoral rights and the public interest in underwater lands.

The table below lists the traditional planning issues and identifies their level of focus in the Village of Haverstraw Harbor Management Plan:

Issue	Focus
1. Economic Growth	Moderate: Revitalization of the Village's waterfront is intended to increase activity along the waterfront and adjacent central business district, having a concomitant positive effect on the Village economy.
2. Underwater Lands	Low:
3. Waterfront Infrastructure	Moderate: Revitalization and increased use of the Village's waterfront will necessitate additional investment in shoreline stabilization as part of any waterfront plan.
4. Winds and Waves	Low: Shoreline stabilization measures identified in #3 above should be adequate.
5. Navigation and Safety	Low: A federal shipping channel is located approximately 3,000 feet east of the Village shoreline. This channel is not likely to be adversely affected by revitalization activities.
6. Recreational Boating	High: Revitalization of the Village waterfront will take the form of enhancements and additions to existing recreational boating resources. Construction of additional marina slips, and approval of a Special Anchorage are considered high priorities. The Village's LWRP contains a recommendation to review the feasibility and desirability of adopting a local law that regulates personal watercraft (PWC) use.
7. Public Access	High: Increasing public access to the Village waterfront, along with enhancing the Village waterfront as a regional destination, are considered high priorities.
8. Flooding	Low: With the exception of the former Rockland Fuel Company site, flooding is not a problem at this time along the waterfront. .
9. Water Quality	High: The proximity of Haverstraw Bay with its critical fish habitat requires that revitalization and increased use of the Village waterfront maintain and if possible, improve on current levels of water quality.
10. Natural Resources	High: The proximity of Haverstraw Bay with its critical fish habitat requires that revitalization and increased use of the Village waterfront maintain and if possible, improve on current levels of water quality.
11. Maritime Economy / Commercial Users	Low: This HMP proposes to maintain the current commercial users that depend on waterfront locations – the MIRANT power plant and Tilcon Industries.
12. Waterfront Zoning	Moderate: Changes in the Village waterfront zoning plan may be necessary to implement the LWRP, and associated HMP.
13. Historic Maritime Resources	Moderate: Revitalization of the waterfront to include two piers – Emeline and Christine – which have historically provided public access.
14. Maritime Events	Moderate: Special events along and on the waterfront will be an important component of any plan to increase activity. These events can include maritime events as well as on-shore events..

APPENDIX

Hudson River Submerged Aquatic Vegetation

Submerged aquatic vegetation (SAV) is an important habitat and site of primary production in many aquatic ecosystems. Until recently, there was no baseline information on SAV extent or distribution in the tidal freshwater Hudson River. In 1994, a collaboration was initiated between the Institute of Ecosystem Studies (IES), the Hudson River National Estuarine Research Reserve/NYSDEC and the Cornell Laboratory for Environmental Applications of Remote Sensing (CLEARs, now the Cornell Institute for Resource Information Systems (IRIS)).

The project was undertaken in two separate time periods with different sources of funding. In 1995, Phase I (Hyde Park to Castleton) was initiated with NOAA and Hudson River Foundation funds. Subsequently in 1997, the remaining portions (Hastings to Hyde Park and Castleton to Troy) were undertaken in Phase II with N.Y. State Environmental Protection Funds through the Hudson River Estuary Program.

A four-category classification system was developed including Open Water Upland/Intertidal; *Vallisneria americana*, and *Trapa natans*. Of primary interest is *Vallisneria americana*, the predominant species of Submerged Aquatic Vegetation. The Upland/Intertidal category includes intertidal marshes and mudflats which were largely exposed at time of photography.

OW - Open Water

Definition - Water areas including the Hudson River, tributary rivers, bays, coves with no indicators of submerged rooted vegetation, upland vegetation or dry land. The water surface is unobscured by vegetation or cultural features. River-bed and submerged flats can be seen through clear water.

UP/INT - Upland/Intertidal

Definition - Dry land with or without upland vegetation or intertidal marsh vegetation. It is important to note that tidal wetlands with emergent macrophytes were mapped in the combined Upland/Intertidal category. For instance, *Phragmites* (common reed) is clearly identifiable in our photos but is mapped as Upland/Intertidal. The railroad grade on the eastern shore of the Hudson River defines the upland boundary. Bays and coves east of the railroad are considered outside the study area and have not been interpreted.

VA - *Vallisneria americana* (water or wild celery, tape grass)

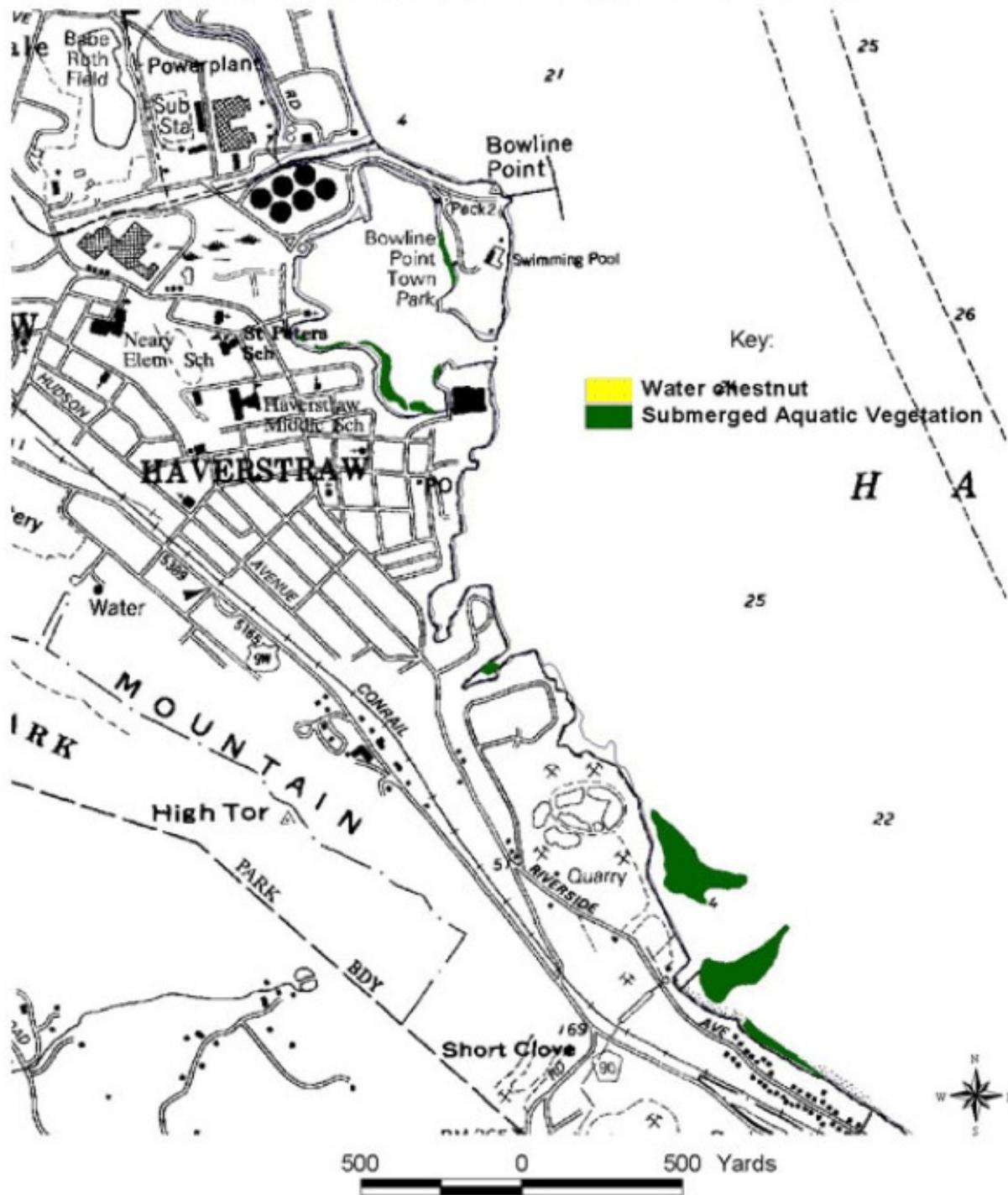
Beds of *Vallisneria americana* as well as beds of mixed vegetation including *Vallisneria americana*. Other species possibly present include Eurasian water milfoil (*Myriophyllum spicatum*), various pondweeds and naiads. They range from light green-brown to dark green-brown to dark green-blue. The vegetation appears at or below the surface of the water and exhibits a fine bumpy texture to a smooth velvet texture. When the substrate is light in color, a pattern of dark mottled patches can be seen.

North of Albany there are frequent occurrences of very narrow linear beds of *Vallisneria* located adjacent to the shoreline. These features are generally less than three meters wide and often less than two meters in width.

TN - *Trapa natans* (water chestnut, water nut), Beds of *Trapa natans*, rooted with floating leaves.

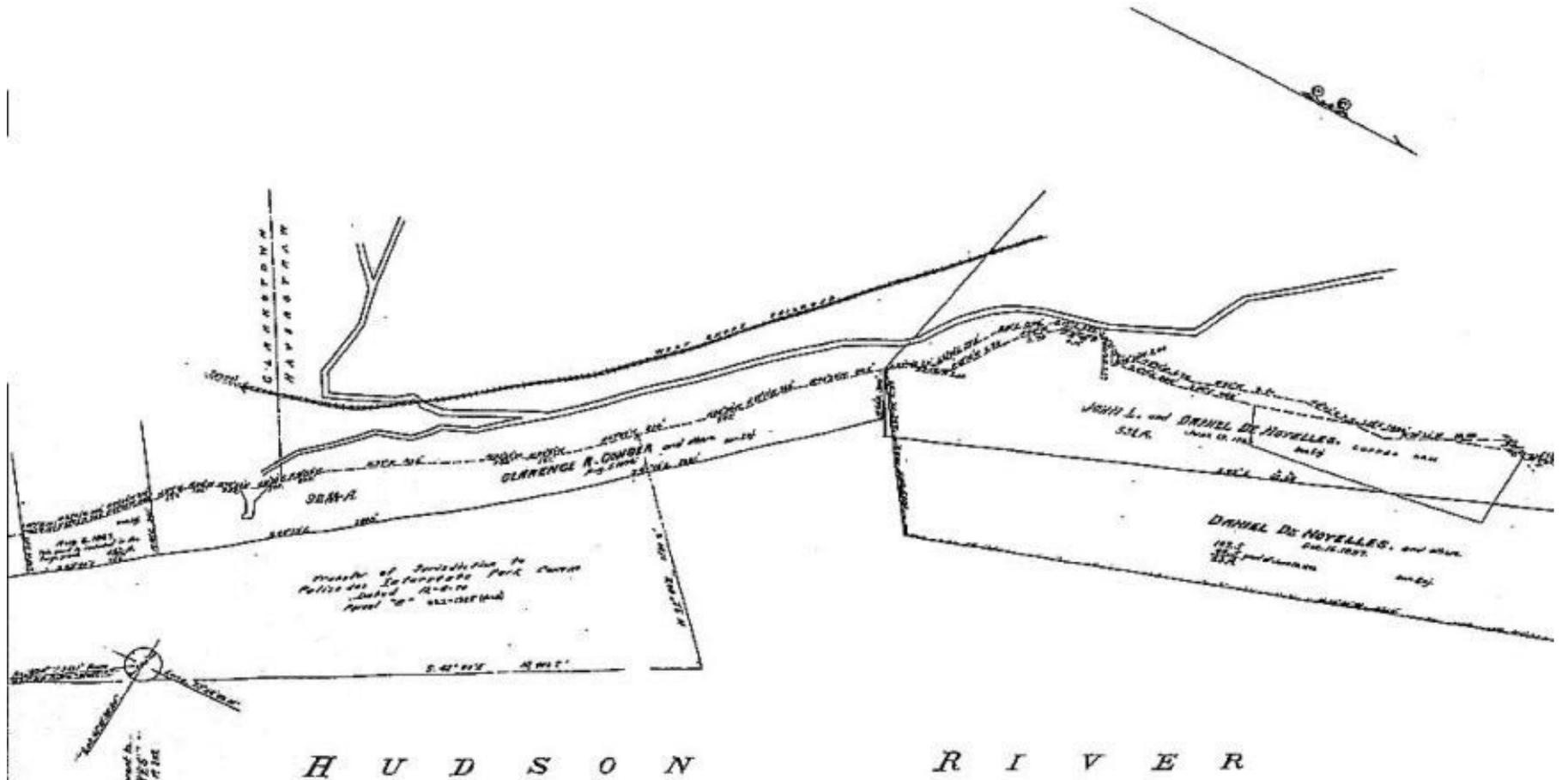
The leaves of *Trapa natans* in aggregate appear light green to yellow-green to creamy white in color. The texture is smooth due to the dense monocultures. Sometimes the beds exhibit a stippled pattern because small dark patches of water or other vegetation can be seen in less dense beds. Small isolated mats are easily identified due to the high contrast of the green/white color to the dark blue of open water. These loose plants can be seen in backwater eddies and at snags and obstructions as well as in mid-channel.

Haverstraw Waterfront



SAV inventory developed using 1997 true color aerial photography (1:14,400).
 Project completed by Cornell IRIS, Institute of Ecosystem Studies,
 Hudson River NERR, NYS DEC, Hudson River Estuary Program.

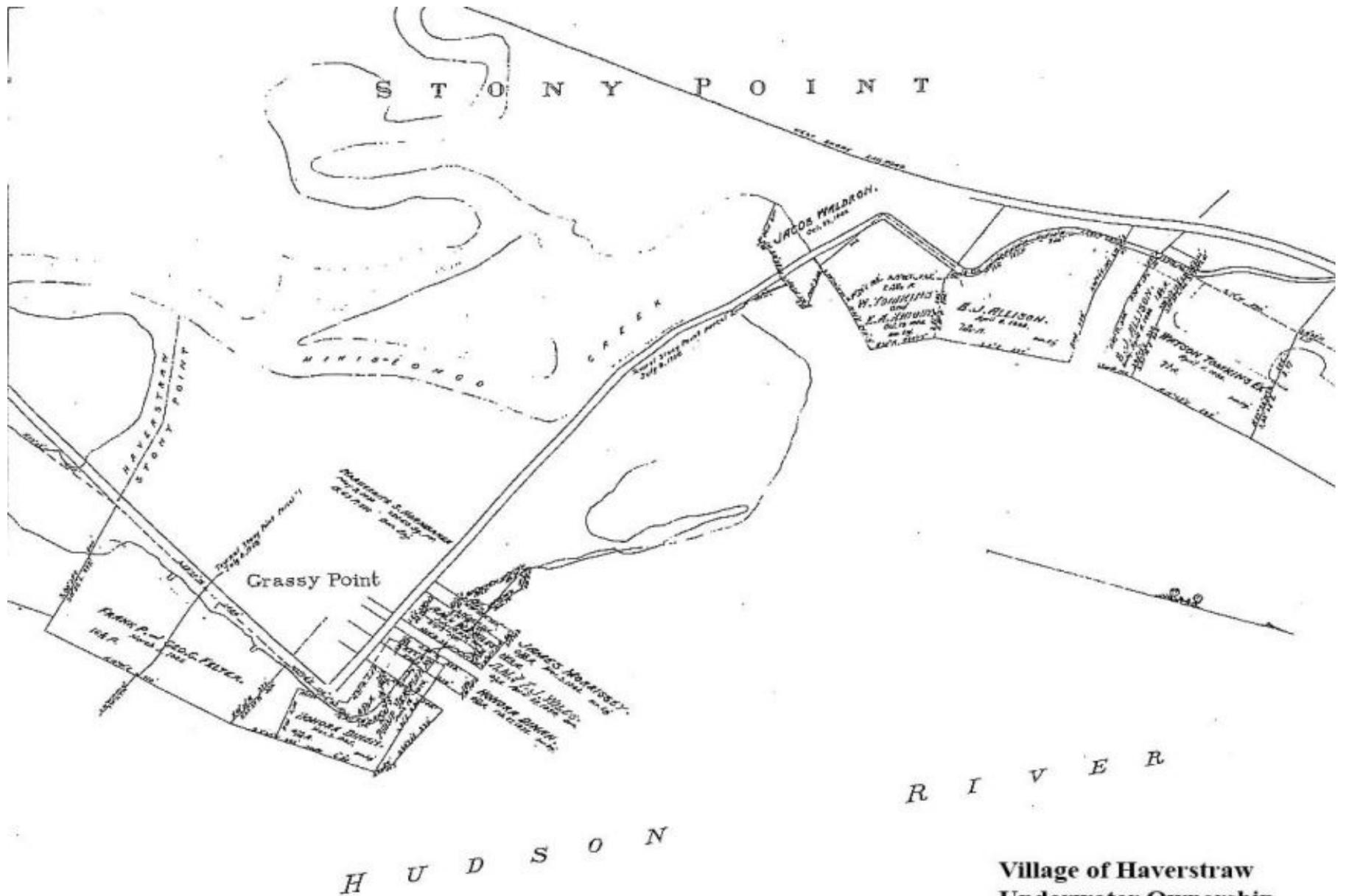
H A V E R S T R A W



H U D S O N

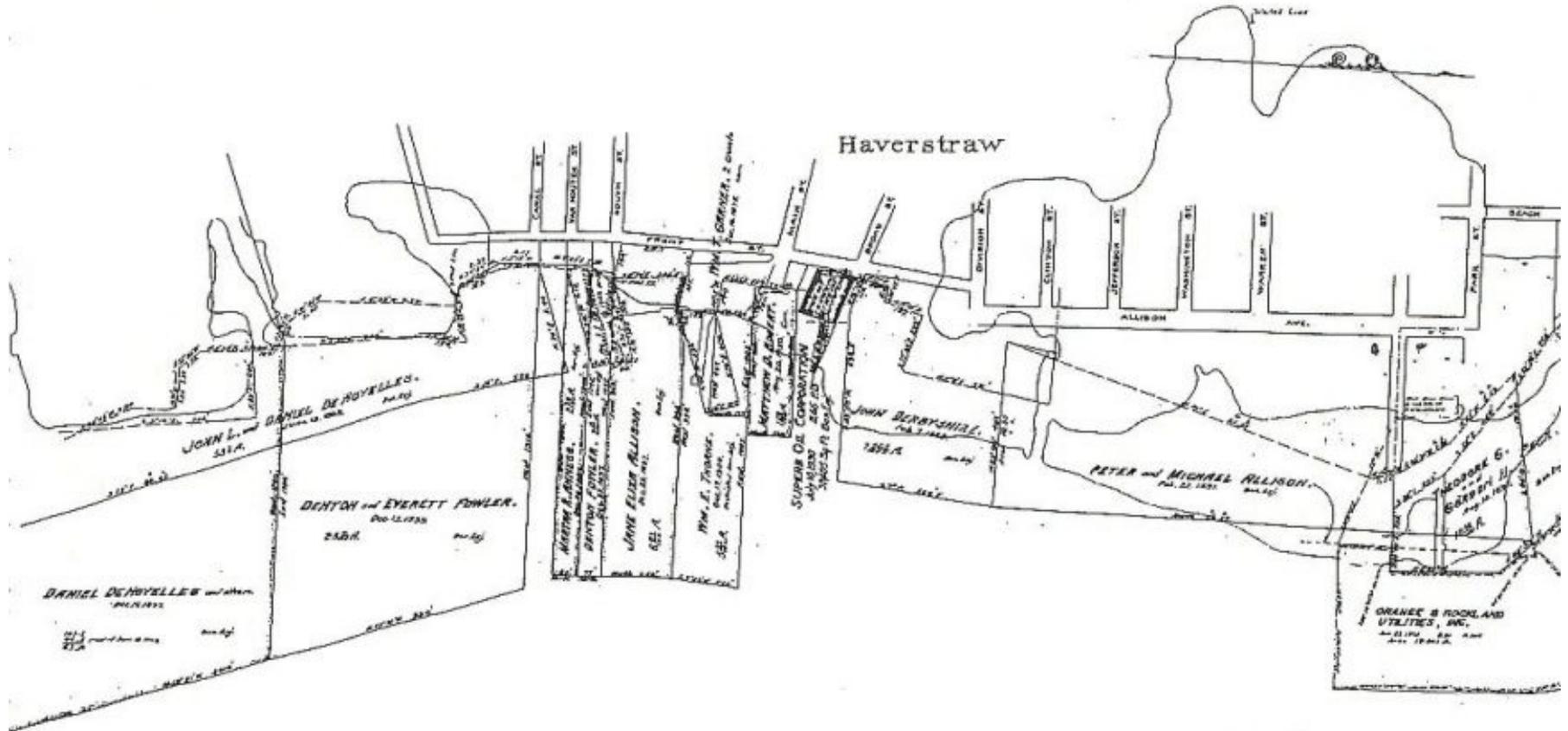
R I V E R

Village of Haverstraw
Underwater Ownership
Map 1



Village of Haverstraw
Underwater Ownership
Map 2

H A V E R S T R A W



H U D S O N

R I V E R

Village of Haverstraw
Underwater Ownership
Map 3

APPENDIX B

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Haverstraw Bay**
 Designated: **November 15, 1987**
 County(ies): **Rockland; Westchester**
 Town(s): **Clarkstown, Haverstraw, Stony Point; Cortlandt**
 7½' Quadrangle(s): **Haverstraw, NY; NOAA Chart No. 12343**

Score Criterion

- 40 Ecosystem Rarity (ER)
 The most extensive area of shallow estuarine habitat in the lower Hudson River
 (and in New York State), but rarity reduced by human disturbances; geometric
 mean: $(25 \times 64)^{1/2} = 40$.
- 36 Species Vulnerability (SV)
 Shortnose sturgeon (E) regularly occur in the area.
- 38 Human Use (HU)
 The area contributes to recreational and commercial fisheries throughout the
 northeastern U.S.;
 additive division: $25 + 25/2 = 38$
- 25 Population Level (PL)
 A major spawning, nursery, and wintering area for various estuarine fish
 species; population levels unusual in the northeastern U.S.
- 1.2 Replaceability (R)
 Irreplaceable.

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R] = 166$

**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM**

BACKGROUND

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

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

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

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

DESIGNATED HABITAT: HAVERSTRAW BAY

HABITAT DESCRIPTION:

Haverstraw Bay extends approximately six miles on the Hudson River, from Stony Point to Croton Point, in the Towns of Stony Point, Haverstraw, and Clarkstown, in Rockland County, and the Town of Cortlandt, in Westchester County (7.5' Quadrangle: Haverstraw, N.Y.; NOAA Chart No. 12343).

The fish and wildlife habitat encompasses the entire river over this approximate six mile reach, which is the widest section of the Hudson estuary. Haverstraw Bay has extensive shallow areas (less than 15 feet deep at mean low water) which deepen to a navigation channel (which is dredged to maintain a depth of about 35 feet) in the western half of the area. During much of the year, this area is the place where freshwater from the upper river mixes with salt water from the Atlantic, producing a predominantly brackish water habitats, with salinities varying from 0-10 ppt. The land area surrounding Haverstraw Bay supports a variety of land uses, including industrial, commercial, residential, and recreational developments, although much undeveloped forestland also remains. Habitat disturbances, such as dredging, shoreline filling and bulkheading, waste disposal, and pollution from upland and in-river sources, have all been significant at some time during the recent history of this area.

FISH AND WILDLIFE VALUES:

Despite various habitat disturbances, Haverstraw Bay possesses a combination of physical and biological characteristics that make it one of the most important fish and wildlife habitats in the Hudson River estuary. The regular occurrence of brackish water over extensive areas of shallow bottom creates highly favorable (if not essential) conditions for biological productivity within the estuary, including submergent vegetation, phytoplankton and zooplankton, aquatic invertebrates, and many fish species.

Although the location of the salt front varies annually (and seasonally), Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, American shad, white perch, tomcod, and Atlantic sturgeon that are produced in the Hudson. Other anadromous species, such as blueback herring and alewife, spawn in upstream freshwater areas, but move south and concentrate in this area before leaving the river in the fall.

Haverstraw Bay is also a major nursery and feeding area for certain marine species, most notably bay anchovy, Atlantic menhaden, and blue claw crab. Depending on location of the salt front, a majority of the spawning and wintering populations of Atlantic sturgeon in the Hudson may reside in Haverstraw Bay. Shortnose sturgeon (E) usually winter in this area as well. Significant numbers of waterfowl may occur in Haverstraw Bay during spring (March-April) and fall (September-November) migrations, but the extent of this use is not well documented.

Haverstraw Bay is a critical habitat for most estuarine-dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and forage fish species. Consequently, commercial and recreational fisheries throughout the North Atlantic depend on, or benefit from, these biological inputs from the Hudson River estuary.

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

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

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

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, or alter water salinities or temperatures in Haverstraw Bay would result in significant impairment of the habitat. Any physical modification of the habitat or adjacent wetlands, through dredging, filling, or bulkheading, would result in a direct loss of valuable habitat area.

Habitat disturbances would be most detrimental during fish spawning and early developmental periods, which generally extend from April through August for most anadromous species using the area. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations. Similarly, spills of oil or other hazardous substances, and leachate of contaminated groundwater, constitute a potential threat to fish and wildlife in the bay. Of particular concern in this major estuarine system are the potential effects of hydrologic disturbances, and effluent discharges. Existing areas of natural vegetation bordering Haverstraw Bay should be maintained to provide soil stabilization and buffer areas.

KNOWLEDGEABLE CONTACTS:

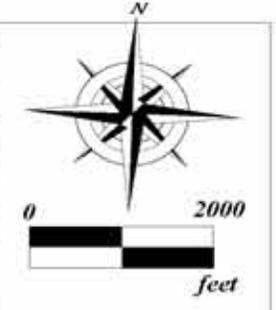
Tom Hart
N.Y.S. Department of State
Division of Coastal Resources &
Waterfront Revitalization
162 Washington Avenue
Albany, NY 12231
Phone: (518) 474-6000

Wayne Elliot, Fisheries Manager
or Jack Isaacs, Environmental Protection Biologist
NYSDEC - Region 3
21 South Putt Corners Road
New Paltz, NY 12561
Phone: (914) 255-5453

Doug Carlson, Hudson River Fisheries Unit
NYSDEC - Region 4
Route 10, Jefferson Road
Stamford, NY 12167
Phone: (607) 652-7364

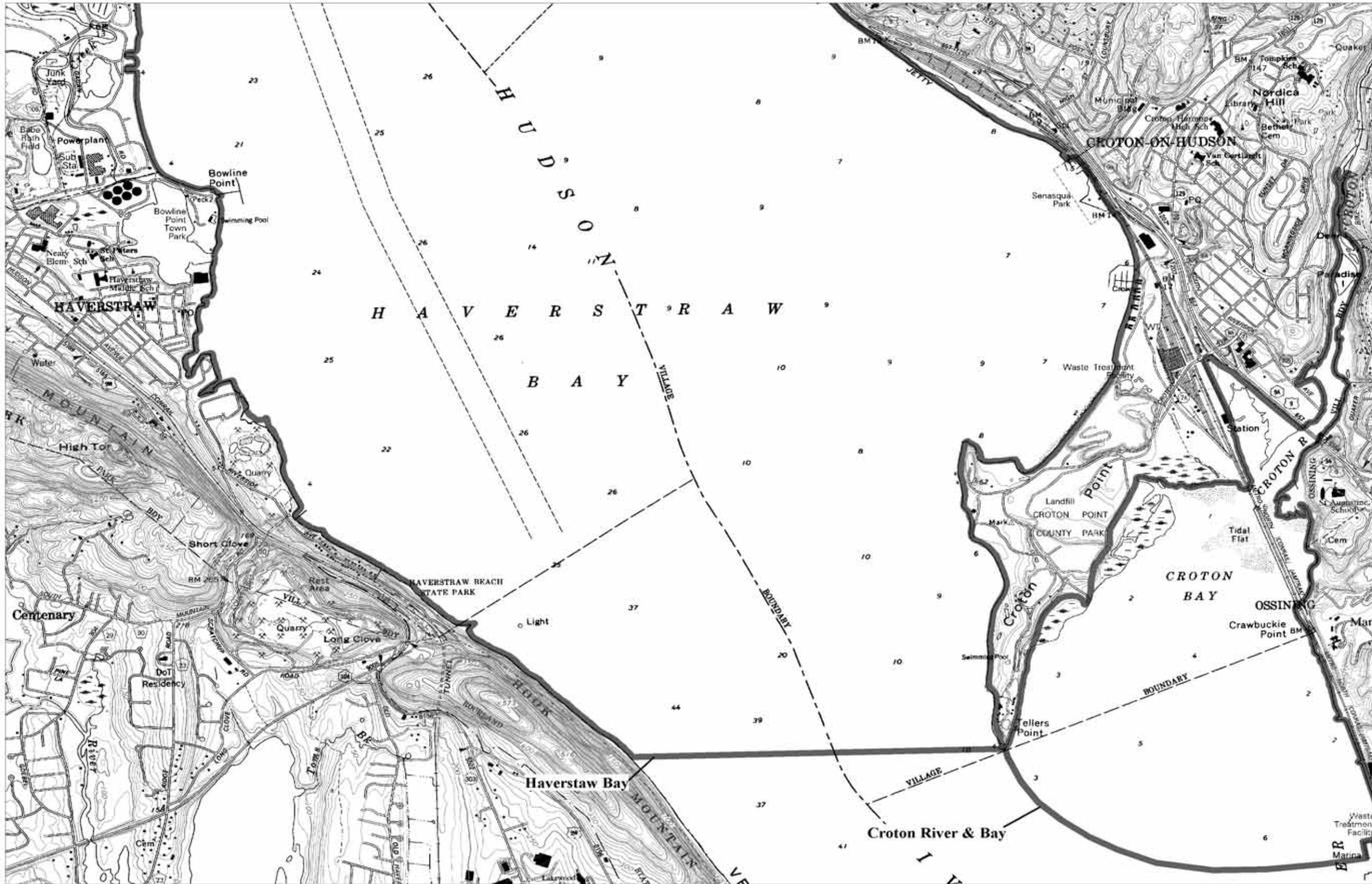
William L. Dovel
Route 1, Box 800
Venice, FL 33595
Phone: (813) 493-4354

NYSDEC Information Services
700 Troy-Schenectady Road
Latham, NY 12110
Phone: (518)783-3932



Significant Coastal Fish and Wildlife Habitats

Haverstraw Bay (In part)
Part 1 of 2



Significant Coastal Fish and Wildlife Habitats

Croton River & Bay
 Haverstraw Bay (In part)
 Part 2 of 2

New York State
 Department of State
 Division of
 Coastal Resources



APPENDIX C

VILLAGE OF HAVERSTRAW'S WATERFRONT CONSISTENCY REVIEW LAW (LOCAL LAW NO. 4 OF 2003)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 02 2003
MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Haverstraw
~~Town~~
Village

Local Law No. 4 of the year 2003

A local law enacting the Waterfront Consistency Law of the
(Insert Title)
Village of Haverstraw as follows:

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Haverstraw as follows:
~~Town~~
Village

see attached for text

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of ~~19~~ 2003 of the ~~(County)(City)(Town)(Village)~~ of HAVERSTRAW was duly passed by the Board of Trustees on August 11, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the _____ and was deemed duly adopted on _____ 19____, *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the _____ on _____ 19____. Such local law was submitted *(Elective Chief Executive Officer*)* to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after *(Name of Legislative Body)* disapproval) by the _____ on _____ 19____. Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Emma L. Kelly

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: August 15, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK Rockland
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

John A. Wood

Signature

Title Village Attorney

~~County~~
~~City~~ of HAVERSTRAW
~~Town~~
Village

Date: August 15, 2003

VILLAGE OF HAVERSTRAW

Local Law No. 4 of the year 2003

Be it Enacted by the Board of Trustees of the Village of Haverstraw as follows:

GENERAL PROVISIONS

I. Title

This Local Law will be known as the Village of Haverstraw Waterfront Consistency Review Law.

II. Authority and Purpose:

1. This Local Law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this Local Law is to provide a framework for agencies of the Village of Haverstraw to consider the policies and purposes contained in the Village of Haverstraw Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the Village of Haverstraw that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth, economic development, and attract the traveling public. This Local Law is intended to achieve such a balance.
4. The substantive provisions of this Local Law shall only apply while there is in existence a Village of Haverstraw Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

III. Definitions:

1. "Action" mean either a Type I or unlisted action as defined in State Environmental Quality Review Act ("SEQRA") regulations (6 N.Y.C.R.R. Part 617) which are undertaken by an agency and which include:
 - (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

- (i) are directly undertaken by an agency, or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
 - (3) laws, codes, ordinances, executive orders and resolutions that may affect the environment;
 - (4) any proposed action within the Village's Local Waterfront Revitalization Area that requires site plan review and approval by the Village of Haverstraw; and
 - (5) any combination of the above.

This law does not apply to Type II, excluded or exempt actions as defined in the SEQRA regulations.

2. "Agency" means any board, agency, department, office, other body, or officer of the Village of Haverstraw.

3. "Coastal area" means that portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the Village of Haverstraw, as shown on the Coastal Area map on file in the office of the Secretary of State and as delineated in the Village of Haverstraw Local Waterfront Revitalization Program.

4. "Coastal Assessment Form (CAF)" means the form used by an agency to assist it in determining the consistency of an action with the Village of Haverstraw Local Waterfront Revitalization Program.

5. "Consistent" means that the action will materially comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

6. "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited, to the formulation of a capital project, rule or policy.

7. "Local Waterfront Revitalization Program (LWRP)" means the Local Waterfront Revitalization Program of the Village of Haverstraw, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Haverstraw.

8. "Planning Board" means the Planning Board of the Village of Haverstraw.

9. "Waterfront Advisory Committee" means the Waterfront Advisory Committee of the Village of Haverstraw.

IV. Village of Haverstraw Planning Board

1. The Planning Board is hereby authorized upon a referral from the agency that proposes to take an action to review the proposed action and make recommendations to that agency regarding the consistency of that proposed action with the Village of Haverstraw Local Waterfront Revitalization Program policy standards and conditions.

2. The Planning Board will refer such proposals to the duly constituted Waterfront Advisory Committee (WAC) for review and recommendation to the Planning Board regarding the consistency of the proposed action with the Village of Haverstraw Local Waterfront Revitalization Program policy standards and conditions. The WAC shall be required to report back to the Planning Board within (30) days following referral

In the event that the WAC's recommendation shall not be rendered within the specified time, the Planning Board shall make its decision without the benefit of the WAC's recommendation.

V. Review of an Action and Determination of Consistency:

1. Whenever a proposed action is located within the Village's Coastal Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 10 herein.

2. Each agency of the Village shall be responsible for making its own consistency determinations.

3. Where more than one local agency is involved in reviewing a proposed action, the "lead agency" (as that term is defined in the SEQRA regulations) shall be responsible for making the determination that the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 10 herein.

4. The consistency determination process required by this local law shall be coordinated with the environmental review process set forth in SEQRA to the greatest extent possible.

5. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Coastal Area, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review of the proposed action.

6. The agency shall refer a copy of the completed CAF to the Planning Board within ten (10) days of its submission and/or preparation, as the case may be, and prior to making its determination, shall consider the recommendation of the Planning Board with reference to the consistency of the proposed action with the Village's Local Waterfront Revitalization Program.

7. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 10 herein. The Planning Board shall require the applicant to submit such information as is reasonably necessary for the Planning Board to make to its consistency review and recommendation.

8. The Planning Board shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion. The Planning Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

In the event that the Planning Board's recommendation shall not be rendered within the specified time, the referring agency shall make its decision without the benefit of the Planning Board's recommendation.

9. The agency shall make the determination of consistency based on the CAF, the SEQRA Environmental Assessment Form, the application and other project documentation, the Planning Board recommendation, and such other information as is reasonably deemed to be necessary for the agency to make its determination. The agency shall issue its determination within thirty (30) days following receipt of the Planning Board's recommendation and submission by the applicant of any additional required information. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Local Law.

10. Actions to be undertaken within the Village of Haverstraw Coastal Area shall be evaluated for consistency in accordance with the policy standards and conditions which are set forth and described in Section III of the Village of Haverstraw Local Waterfront Revitalization Program, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the Local Waterfront Revitalization Program in making their consistency determination.

11. If the agency determines that the action would not be consistent with one or more of the policy standards and conditions of the Local Waterfront Revitalization Program, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which is consistent with such policy standards and conditions;

(2) As may be conditioned by the agency, the action would be undertaken in a manner which will minimize to the greatest extent practicable all adverse effects on such policy standards and conditions; and

(3) The action will advance one or more of the other policy standards and conditions.

Such a finding shall constitute a determination that the action is consistent with the Local Waterfront Revitalization Program policy standards and conditions.

VI. Enforcement:

The Code Enforcement Officer of the Village shall be responsible for enforcing this Local Law. No work or activity on a project in the Coastal Area which is subject to review under this Local Law shall be commenced or undertaken until the Code Enforcement Officer has been presented with a written determination of consistency under this Local Law. In the event that an activity is not being performed in accordance with this Local Law or any conditions imposed hereunder, the Code Enforcement Officer may issue a stop work order and thereafter all work shall immediately cease. No further work or activity shall be undertaken on the action so long as a stop work order is in effect.

VII. Violations:

1. A person who violates any of the provisions of, or who fails to comply with any conditions imposed by this Local Law shall have committed a violation, punishable by a fine not exceeding five hundred dollars or fifteen days in jail, or both. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

2. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this Local Law. The Village may enforce this Local Law by injunction or other civil proceeding.

VIII. Severability:

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

IX. Effective Date:

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW ENACTING THE WATERFRONT CONSISTENCY LAW OF THE VILLAGE OF HAVERSTRAW (LOCAL LAW No. __ OF THE YEAR 2003).

WHEREAS, in July, 1999, MGD Holdings, LLC ("MGD") informally proposed a public/private redevelopment project (the "Project") within the portion of the downtown waterfront of the Village comprised of the parcels of land and land under water known and designated on the Village tax assessment map as: Section No. 27.09, Block 1, Lot 3; Section No. 27.10, Block 1, Lots 1, 2; Section No. 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section No. 27.17, Block 1, Lot 20; Section No. 27.18, Block 1, Lots 1, 4; Section No. 27.46, Block 1, Lots 76, 77, 78, 80, 81, 82, 83, 84, 85; Section No. 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15 (collectively, the "Project Area"); and

WHEREAS, the Board of Trustees of the Village of Haverstraw ("Village Board") is committed to the redevelopment of the Project Area through clearance, re-planning, reconstruction, rehabilitation and code enforcement in order to promote the health, safety and welfare of the residents of the Village, and to promote sound growth and economic development of the Village as a whole; and

WHEREAS, Article 15 of the New York General Municipal Law ("GML") authorizes a municipality to plan and undertake one or more urban renewal projects and grants to a municipality the powers necessary or convenient to carry out and effectuate such projects, including the powers to acquire real property necessary for or incidental to an urban renewal project by purchase, gift, devise, lease, condemnation or otherwise, and to dispose of such real property to a qualified and eligible sponsor of such urban renewal project; and

WHEREAS, on November 19, 1999, the Village Board considered a Designation Study of the Project Area prepared for the Village by Saccardi & Schiff, Inc.; and

WHEREAS, by resolution adopted on November 19, 1999, the Village Board: (a) determined that the Project Area constitutes a "substandard or unsanitary" area which is appropriate for urban renewal pursuant to GML Sections 502 and 504; and (b) granted the Developer the exclusive right to negotiate agreements with the Village for the redevelopment of the Project Area until the date on which the Village Board either designates or declines to designate MGD as the "qualified and eligible sponsor" of the Project under GML Article 15; and

WHEREAS, on December 13, 1999, the Village Board authorized and directed the preparation of an urban renewal plan for the Project Area; and

WHEREAS, a revised Designation Study dated September 22, 2000 which includes within the Project Area the parcels of land known and designated on the Village tax assessment map as: Section No. 27.18, Block 1, Lots p/o 2 and p/o 3, and Section No. 27.46, Block 1, Lot 86 (the "Additional Parcels" and collectively with the Project Area, the "Project Area") was presented to the Village Board for its consideration; and

WHEREAS, on October 2, 2000, the Village Board found and determined that the Additional Parcels are appropriate for urban renewal and authorized and directed the preparation of an urban renewal plan for the redevelopment of the entire Project Area; and

WHEREAS, on December 13, 1999, the Village Board declared its intent to be lead agency under the State Environmental Quality Review Act ("SEQRA") for the review of the Project, as well as for the review under SEQRA of all actions related thereto including, but not limited to, a proposed urban renewal plan for the redevelopment of the Project Area, a proposed local waterfront revitalization program and waterfront consistency law, and proposed amendments to the Zoning Ordinance of the Village of Haverstraw (the "Zoning Ordinance") and to the Zoning Map of the Village (the Project and all such other actions collectively, the "Proposed Actions"); and

WHEREAS, on September 14, 2000, the Village and MGD executed a certain "Interim Development Agreement" dated as of August, 2000, which generally sets forth the obligations of the Village and of MGD with respect to the Project subject to the satisfaction of all requirements under SEQRA, and which did not commit the Village to any final course of action; and

WHEREAS, on October 2, 2000, the Village Board re-confirmed its intent to be lead agency under SEQRA for the review of all of the Proposed Actions and authorized the circulation of a full Environmental Assessment Form to all potentially interested and involved agencies; and

WHEREAS, on November 20, 2000, the Village Board: (a) commenced review of the Proposed Actions in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (b) confirmed the classification of the Proposed Actions as "Type I" under SEQRA; (c) determined that the Proposed Actions may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement ("DEIS") be prepared; (d) directed that a public scoping session be held at its December 11, 2000 meeting in accordance with 6 N.Y.C.R.R. Section 617.8; and (e) directed that a written notice of its determination of significance and notice of public scoping session, together with a draft DEIS Scope, be sent to all involved and interested agencies; and

WHEREAS, a draft DEIS Scope dated November 20, 2000, was prepared in accordance with 6 N.Y.C.R.R. Section 617.8; and

WHEREAS, the Village duly published a Notice of Public Scoping and sent copies of that notice with a copy of the draft DEIS Scope to all interested and involved agencies; and

WHEREAS, on December 11, 2000, the Village Board conducted a public scoping session at which various speakers commented upon and expressed their concerns with regard to the draft DEIS Scope; and

WHEREAS, the draft DEIS Scope was subsequently revised in response to the oral and written comments of the public and of involved and interested agencies; and

WHEREAS, on February 5, 2001, the Village Board approved and adopted the draft DEIS Scope; and

WHEREAS, on November 19, 2001, the Village Board accepted a DEIS for the Project and all of the Proposed Actions prepared jointly by the Village and the Developer as complete and adequate for public review and authorized a public hearing to be held on the DEIS on December 17, 2001; and

WHEREAS, a draft urban renewal plan for the redevelopment of the Project Area entitled the "Village of Haverstraw Urban Renewal Plan for the Downtown Waterfront Redevelopment Project" (the "Waterfront Urban Renewal Plan") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the Technical Advisory Committee of the Village (the "TAC") and was duly presented to the Village Board for further action in accordance with GML Article 15; and

WHEREAS, under the Waterfront Urban Renewal Plan, except for the lands which together constitute Emeline Park, the "Damiani" property (Section 27.46, Block 1, Lots 80 and 81), certain private parcels located on the westerly side of West Street currently owned by Tilcon New York Inc., and certain private parcels identified in the Waterfront Urban Renewal Plan as "Not To Be Acquired", the Project Area is divided into five (5) land use sub-areas known and designated as "Land Use Area A," "Land Use Area B," "Land Use Area C," "Land Use Area D" and "Land Use Area E" as shown on the map attached thereto and made a part thereof entitled "Map of Land Use Areas in the Waterfront Urban Renewal Area"; and

WHEREAS, the Waterfront Urban Renewal Plan contains a "Concept Development Plan for the Waterfront Urban Renewal Project" (the "Concept Development Plan"); and

WHEREAS, the Concept Development Plan generally shows the proposed layout of buildings, structures, land uses and public and private open spaces of the Project; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Waterfront Urban Renewal Plan to the Planning Board of the Village of Haverstraw (the "Planning Board") for its report and recommendation pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Waterfront Urban Renewal Plan pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board transmitted its report to the Village Board certifying its approval of the draft Waterfront Urban Renewal Plan; and

WHEREAS, a draft of proposed amendments to the Zoning Ordinance and the Zoning Map of the Village intended to implement the Waterfront Urban Renewal Plan and the Project entitled "Section 245-21.1. WPD Waterfront Planned Development District" (collectively, the "Zoning Amendment") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the TAC and was duly presented to the Village Board for further action in accordance with Section 245-35 of the Zoning Ordinance and New York Village Law Sections 7-706 and 7-708; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Zoning Amendment to the Planning Board for its report and recommendation; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Zoning Amendment and transmitted its report and recommendation to the Village Board with respect to the Zoning Amendment; and

WHEREAS, on December 17, 2001, the Village Board duly held concurrent public hearings (the "Public Hearing") on the DEIS and on the following Proposed Actions: (a) the adoption of the proposed Zoning Amendment; (b) the adoption of the proposed Waterfront Urban Renewal Plan; (c) the adoption of a proposed "Village of Haverstraw Local Waterfront Revitalization Program" (the "LWRP") affecting all property located in the Village designated by New York State as Coastal Area; and (d) the adoption of a proposed "Village of Haverstraw Waterfront Consistency Review Law" to implement the LWRP; and

WHEREAS, on December 17, 2001, the Village Board, as potential condemnor, duly held a public hearing under Eminent Domain Procedure Law ("EDPL") Section 201 to inform the public and to review the public use to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area; and

WHEREAS, on January 7, 2002, the Village Board continued and then closed the public hearings, but kept the period for written comments on the DEIS open until January 31, 2002; and

WHEREAS, on September 24, 2002, the Village Board transmitted the draft LWRP to the New York Department of State ("NYSDOS") for its review and approval in accordance with applicable law; and

WHEREAS, on January 6, 2003, the Village Board adopted Resolution #1-2003 pursuant to which the Village Board accepted the Final Environmental Impact Statement ("FEIS") for the Proposed Actions as complete, but did not issue a Notice of Completion of the FEIS or file the FEIS; and

WHEREAS, on January 6, 2003, the Village Board requested that the New York State Division of Housing and Community Renewal ("DHCR") review the Project "in order to insure that the Village of Haverstraw is in compliance with all applicable rules, regulations and laws that would apply" to the Project, specifically with regard to the execution of the Interim Development Agreement and the proposed execution of a subsequent Land Acquisition and Disposition Agreement without competitive bidding; and

WHEREAS, on March 4, 2003, NYSDOS transmitted its comments (and the comments of all other reporting agencies) on the draft LWRP to the Village Board; and

WHEREAS, by letter dated April 16, 2003, DHCR advised the Village that State law specifically permits the negotiated sale of urban renewal property to a redevelopment sponsor without competitive bidding; and

WHEREAS, the draft LWRP was subsequently revised in response to comments received from NYSDOS and on May 5, 2003, was resubmitted to NYSDOS for further consideration

together with the Village's "Response to Comments – Village of Haverstraw Local Waterfront Revitalization Program"; and

WHEREAS, on May 15, 2003, the Village Board again referred to the Planning Board the draft Waterfront Urban Renewal Plan and draft Zoning Amendment for the Planning Board's consideration of the modifications that had been made by the TAC in response to comments received during the course of the SEQRA review process since the DEIS was accepted as complete; and

WHEREAS, on May 15, 2003, the Planning Board recommended approval of the most recent draft Zoning Amendment and certified its approval of the most recent draft Waterfront Urban Renewal Plan; and

WHEREAS, by letter dated June 2, 2003, NYSDOS issued further comments on the draft LWRP and on the Village's May 5, 2003 "Response to Comments," and indicated that it required the FEIS to be amended to make the "Response to Comments" and the revised LWRP a part of the FEIS and subject to the ten day "waiting" period under 6 N.Y.C.R.R. §617.11(a); and

WHEREAS, on June 6, 2003, the Village transmitted a further revised draft LWRP and "Response to Comments" to NYSDOS; and

WHEREAS, on June 9, 2003, NYSDOS completed its review of the draft LWRP and the Village's "Response to Comments" and ; and

WHEREAS, on June 16, 2003, the Village Board adopted a resolution amending the FEIS to make the revised, draft LWRP and the Village's "Response to Comments" a part of the FEIS and issuing a Notice of Completion of the of the amended FEIS which provided that comments on the FEIS would be accepted through June 30, 2003; and

WHEREAS, on June 16, 2003, the Village Board determined that given the passage of time since January 7, 2002, when the first public hearings on the Proposed Actions were closed, it was in the best interest of the residents of the Village for the Village Board to hold second public hearings on all of the Proposed Actions and under EDPL Section 201 to review the public purposes to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area, and

WHEREAS, Harbors Haverstraw, LLC (the "Developer") is a related entity of MGD and is the successor in interest to MGD; and

WHEREAS, on July 14, 2003, pursuant to General Municipal Law Section 507, the Village Board authorized publication of the Notice of Availability for Public Examination of a proposed Land Acquisition and Disposition Agreement ("LADA") between the Village and the Developer and of the "Redeveloper's Statement for Public Disclosure" of the Developer respecting the proposed designation of the Developer as the qualified and eligible sponsor of the Project, the proposed disposition to the Developer of parcels in the Project Area and the

redevelopment of the Project in the Project Area, and authorized a public hearing to be held thereon on July 28, 2003; and

WHEREAS, on July 28, 2003, the Village Board duly held and thereafter closed concurrent second public hearings: (a) on all of the Proposed Actions; (b) under EDPL Section 201; (c) on the proposed designation of the Developer as the qualified and eligible sponsor of the Project; and (d) on the LADA and the proposed disposition to the Developer of parcels in the Project Area for redevelopment as a part of the Project; and

WHEREAS, on August 5, 2003, the Village Board, acting as lead agency, adopted a written findings statement under SEQRA in connection with the Project and all of the Proposed Actions.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

1. The TAC has presented to the Village Board for its consideration a proposed local law entitled "Village of Haverstraw Waterfront Consistency Review Law" (Local Law No. ___ of the year 2003). The purpose of the law is to implement the LWRP and to set forth the process which must be utilized by Village boards and agencies to review proposed actions for consistency with the LWRP. A copy of proposed Local Law No. ___ of the year 2003 is attached to this resolution as **Exhibit A**.
2. The Village Board hereby enacts the Village of Haverstraw Waterfront Consistency Review Law (Local Law No. ___ of the year 2003).

Resolution # 266 – 2003

Motion by Trustee: Brennan

Seconded by Trustee: Cintron

	For the Motion	Against the Motion
Mayor Wassmer	Yes	
Deputy Mayor Cintron	Yes	
Trustee Batista	Yes	
Trustee Brennan	Yes	
Trustee Sanchez		Abstain

	For the Motion	Against the Motion
Mayor Wassmer	Yes	
Deputy Mayor Cintron	Yes	
Trustee Batista	Yes	
Trustee Brennan	Yes	
Trustee Sanchez		Abstain

Motion passes: 4 yes
1 Abstain

I, Emma L. Velez, Clerk of the Village of Haverstraw, New York, do hereby certify that the above resolution was adopted at a Regular meeting of the Board of Trustees held on August 11, 2003 and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 12, 2003
Haverstraw, New York


Emma L. Velez, Village Clerk

SEAL OF MUNICIPALITY

APPENDIX D

**VILLAGE OF HAVERSTRAW'S WPE – WATERFRONT
PLANNED DEVELOPMENT DISTRICT (LOCAL LAW
NO. 2 OF 2003)**

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 02 2003
MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~
~~Town~~
~~Village~~

of HAVERSTRAW

Local Law No. 2 of the year ~~19~~ 2003

A local law (Insert Title) to amend Article V of the Zoning Ordinance of the
Village of Haverstraw, Section 245 - 21, WPD Waterfront
Planned Development District, for the purposes as
follows:

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~
~~Village~~

of Haverstraw as follows:

see attached for text

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of ~~19~~²⁰⁰³ of the ~~(County)(City)(Town)~~(Village) of Haverstraw was duly passed by the Board of Trustees on August 11, 2003 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

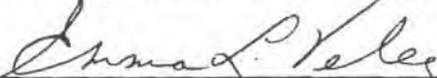
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

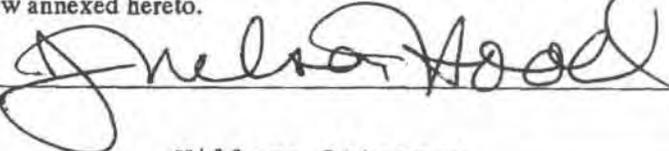
(Seal)

Date: August 15, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Rockland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Village Attorney

Title

~~COUNTY~~
~~CITY~~ of HAVERSTRAW
~~TOWN~~
Village

Date: August 15, 2003

VILLAGE OF HAVERSTRAW

Local Law No. 2 of the year 2003

Be it Enacted by the Board of Trustees of the Village of Haverstraw as follows:

Article V of the Zoning Ordinance of the Village of Haverstraw is hereby amended as follows:

ARTICLE V

Other Use And Bulk Regulations; Mountain Protection District; Waterfront Planned Development District; Average Density

§245-21.1. WPD Waterfront Planned Development District.

The purpose of the WPD Waterfront Planned Redevelopment District is to facilitate the implementation of the Urban Renewal Plan for the Village of Haverstraw Waterfront Urban Renewal Area and the Village of Haverstraw Local Waterfront Revitalization Program by permitting mixed uses properly sited and designed in accordance with the Village's objectives as set forth in those plans.

A. Zoning objectives.

- (1) Zoning objectives. An Urban Renewal Plan for the Village of Haverstraw Waterfront Urban Renewal Area (the "Waterfront Urban Renewal Plan") was approved by the Board of Trustees of the Village of Haverstraw, New York, and a map of the Urban Renewal Project Area is attached hereto as Appendix I. The WPD Waterfront Planned Development District is intended to be mapped on land within the Urban Renewal Project Area, and the boundaries of the WPD Waterfront Planned Development District are as shown on the map attached hereto as Appendix II. The objectives of the WPD Waterfront Planned Development District are to provide for comprehensive redevelopment planning within the Waterfront Urban Renewal Area and to encourage and permit the development of the Waterfront Urban Renewal Project as established by and defined in the Waterfront Urban Renewal Plan, which will result in or accomplish the following:
 - (a) The elimination of substandard, blighted, deteriorated and deteriorating conditions within the Waterfront Urban Renewal Area.
 - (b) The development of new multi-family housing to support the downtown commercial center of the Village.
 - (c) The development of new community and recreational facilities to serve Village residents.

- (d) The preservation and enhancement of property values within and in the vicinity of the Waterfront Urban Renewal Area and provisions for the protection of neighboring areas from any adverse impacts of redevelopment within such district.
- (e) The enhancement of public access to the Hudson River waterfront.
- (f) The promotion of regional tourism and a cross Hudson Ferry service that support the downtown commercial center of the Village.
- (g) The encouragement of water dependent and water enhanced uses.

B. Permitted land uses and land use controls. Except as otherwise set forth in this Section 245.21.1, all of the use, bulk and dimensional regulations and off-street parking requirements for the WPD Waterfront Planned Development District, including, without limitation, those regulating the height, density and arrangement of buildings, shall be applied on an overall basis to the total area of the WPD Waterfront Planned Development District and shall not be applied to any individual lots or parcels within said district, notwithstanding the subdivision of the land within said district into two (2) or more separate lots, parcels or development sites and/or the separate ownership of such lots, parcels or development sites and notwithstanding the construction of the Waterfront Urban Renewal Project in two (2) or more stages or phases, provided that no development within the WPD Waterfront Planned Development District may take place except in accordance with a Concept Development Plan approved by the Board of Trustees of the Village as set forth in subsection C, below, and attached hereto as Appendix II, and approved site plans. The permitted land uses, bulk and dimensional regulations and off-street parking requirements for the WPD Waterfront Planned Development District are set forth below.

(1) Uses permitted by right and permitted density of development. The WPD Waterfront Planned Development District is divided into five land use areas as shown and designated on the Map of Land Use Areas in the WPD Waterfront Planned Redevelopment District (the "Land Use Areas Map") approved by the Board of Trustees of the Village in conjunction with the adoption of this Section 245.21.1 and shown in Appendix III (attached hereto) of this Zoning Ordinance. The types of uses permitted by right and the maximum density of development of such uses are different in each land use area; provided, however, that in no event shall the maximum aggregate density of residential development on all five Land Use Areas exceed 890 dwelling units, of which five percent (5%) of the total aggregate number of dwelling units constructed shall be affordable rental housing under Village guidelines. The land uses permitted by right and permitted densities are as follows:

(a) Land Use Area A.

[1] Uses permitted by right: maximum permitted density of development.

- (a) Multiple dwellings for rental or sale having a clubhouse which may be made available for use by the public and which may include concierge facilities, business offices (for residents only), meeting rooms, recreational facilities including a pool, health and fitness facilities and dry-cleaning drop off only: maximum permitted development of dwellings - 490 dwelling units; maximum permitted development of clubhouse – 15,000 square feet of floor area.
 - (b) Office space and facilities within multiple dwelling buildings and/or within the clubhouse for use by residents of the multiple dwellings on a temporary, as needed basis: maximum permitted development – 3,500 square feet of floor area.
 - (c) Boat club including boat hauling, launching and mooring, and related uses such as boat service facilities, equipment sales facilities, meeting rooms, locker rooms, and eating and drinking facilities including cafes and restaurants: maximum permitted development – 10,000 square feet of upland floor area.
 - (d) Water dependent uses which are not part of a boat club including boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities: maximum permitted development – 5,000 square feet of upland floor area.
- (b) Land Use Area B.
- [1] Uses permitted by right: maximum permitted density of development.
 - (a) Multiple dwellings for rental or sale with or without a clubhouse which may be made available for use by the public and which may include concierge facilities, business offices, meeting rooms, recreational facilities including a pool, health and fitness facilities, dry-cleaning drop off only, and automatic teller machines: maximum permitted development of dwellings - 250 dwelling units; maximum permitted development of clubhouse – approximately 3,000 square feet of floor area.
 - (b) Office space and facilities for use by residents of multiple dwellings on a temporary, as needed basis: maximum permitted development – 3,500 square feet of floor area.

- (c) Passenger ferry service with docking facilities and related parking.
 - (d) Water dependent uses including boat club, boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities: maximum permitted development – 10,000 square feet of floor area.
 - (e) Temporary sales/rental center for dwelling units under construction on Land Use Area A, B and C.
- (c) Land Use Area C.
- [1] Uses permitted by right: maximum permitted density of development.
 - (a) Multiple dwellings for rental or sale: maximum permitted development – 150 units.
 - (b) Restaurants with or without catering; cafés; and inns for short-term lodging: maximum permitted development – 50,000 square feet of floor area.
 - (c) Water dependent uses including boat club, boat hauling, launching and mooring, and related uses such as boat service facilities and equipment sales facilities: maximum permitted development – 10,000 square feet of floor area.
- (d) Land Use Area D.
- [1] Uses permitted by right: maximum permitted density of development.
 - (a) Multiple dwellings for rental or sale: maximum permitted development – 50 units.
 - (b) A children’s museum or similar use: maximum permitted development – no maximum. Similar use shall mean an educational, or cultural facility that reflects the character and interests of the Village, region and Hudson Valley and will enhance the Village’s tourist economy.
 - (c) Municipal parking garage: maximum permitted development – no maximum.
 - (d) Retail uses: maximum permitted development – 15,000 square feet of floor area.

- (e) Permanent municipal commuter ferry docking facility with related parking and a combined ferry, fishing and recreational pier: maximum permitted development – no maximum.

(e) Land Use Area E.

- [1] Uses permitted by right: maximum permitted density of development.

- (a) Multiple dwellings for rental or sale: maximum permitted development – 10 units.

For the purposes of this Section 245-21.1, the term “floor area” shall mean “floor area of a building” as defined in Section 245-3 of this Chapter.

- (2) Permitted accessory uses. Permitted accessory uses shall be all uses customarily accessory to uses permitted by right, including off-street parking and loading facilities and home occupations in multiple dwelling units subject to Section 245-14F of this Zoning Ordinance; provided, however, that home occupations shall only be located on the ground floor of a building.

- (3) Other bulk and dimensional regulations: In addition to the maximum permitted densities set forth above, all uses in the WPD Waterfront Planned Development District shall be subject to the following regulations:

- (a) “Development Coverage” shall not exceed the following:

- [1] For Land Use Area A: maximum seventy five percent (75%);
- [2] For Land Use Area B: maximum seventy five percent (75%);
- [3] For Land Use Area C: maximum seventy five percent (75%);
- [4] For Land Use Area D: as determined by the Board of Trustees of the Village in connection with site plan approval;
- [5] For Land Use Area E: as determined by the Board of Trustees of the Village in connection with site plan approval.

Provided, however, that in no event shall the total Development Coverage of the entire WPD Waterfront Planned Development District exceed eighty percent (80%). For the purposes of this Section 245-21.1, the term “Development Coverage” shall mean the percentage of ground coverage of a land use area by buildings and all other impervious surfaces.

- (b) Building height: maximum sixty (60) feet except that the first row of buildings located adjacent to the promenade shall not exceed a maximum height of forty three (43) feet. Architectural towers, gables, parapets, cupolas and similar architectural features, elevator shafts and bulkheads, stair bulkheads, cooling towers, mechanical equipment, and chimneys shall not be included in the measurement of building height, provided that such structure(s) shall not occupy more than fifteen percent (15%) of the roof area in the aggregate of the building, nor be greater than fifteen (15) feet in height, nor in any case be more than ten (10) feet above a roof ridge. Further, in no instance shall such height exclusion form a linear wall equivalent to more than 25% of the length of the building outer wall dimension in aggregate.
 - (c) Required yards: ten (10) foot minimum required front, rear and side yards for all uses, except in Land Use Areas A and B, where a minimum set back of thirty (30) feet from the West Street and Maple Avenue rights of way is required. Additionally, in all instances buildings shall be set back a minimum of forty-five (45) feet from the shoreline except that along up to 20% of the shoreline of each Land Use Area building may be set back a minimum of thirty (30) feet measured laterally from the point of shoreline stabilization of any watercourse or waterbody, including the Hudson River. For the purposes of this Section 245.21.1, the "point of shoreline stabilization" shall mean: (1) in the case of naturally occurring shoreline which is not retained, the mean high water line; (2) in the case of vertical bulkheading, shoring or similar retaining structures, the top edge of such structures; and (3) in the case of "rip-rap" or other dissipation structures, the top edge of such structures or where the rip-rap meets a horizontal grade.
 - (d) Separation between buildings. All buildings shall be separated by a minimum distance of thirty (30) feet.
- (4) Off-street parking requirements:
- (a) Off-street parking for all uses shall be provided in a combination of on-street and off-street parking facilities. At least eighty-five percent (85%) of the parking required any use in the WPD Waterfront Planned Development District shall be located within the boundaries of the WPD Waterfront Planned Development District and the remainder may be located outside of the district boundaries, subject to demonstration by the applicant for site plan approval of adequate control over such spaces. All off-street parking spaces whether or not located within the WPD Waterfront Planned Development District shall be located within five hundred (500) feet of the uses they are intended to serve.
 - (b) The minimum number of parking spaces for any use in the WPD Waterfront Planned Development District shall be determined by the Board

of Trustees of the Village in connection with an application for site plan approval under subsection F of this Section 245-21.1. In making its determination, the Board of Trustees of the Village shall be guided by the criteria set forth in Article VI of this Zoning Ordinance as well as established planning criteria including concepts of shared use and joint parking.

- (c) Each parking space within a parking structure shall be eight and one half (8 ½) feet wide and eighteen (18) feet long, and each parking space not located within a parking structure shall be nine (9) feet wide and eighteen (18) feet long. Handicapped accessible spaces shall conform to the Americans With Disabilities Act Accessibility Guidelines with regard to number and size.

(5) Miscellaneous land use controls:

- (a) A continuous, publicly accessible municipally owned pedestrian trailway shall be created along the Hudson River waterfront in the WPD Waterfront Planned Development District. An applicant for site plan approval of a lot or parcel which contains land along the Hudson River waterfront shall be required to reserve a continuous right of way having a minimum width of twenty (20) feet measured laterally from the point of shoreline stabilization (as previously defined in this section) of the Hudson River in which a minimum twelve (12) foot wide paved public trailway shall be developed on that lot or parcel in accordance with the Concept Development Plan approved as set forth in subsection C, below.

C. Concept Development Plan. The development of any portion of the WPD Waterfront Planned Development District shall comply with the regulations set forth in this Section 245-21.1 and shall conform in all material respects to a Concept Development Plan for the Waterfront Urban Renewal Project (“Concept Development Plan”) approved by the Board of Trustees of the Village in conjunction with the adoption of this Section 245.21.1 and shown in Appendix IV (attached hereto) of this Zoning Ordinance. The Concept Development Plan may be amended by the Board of Trustees of the Village from time to time in accordance with Section 245-35 of this Zoning Ordinance.

D. Site plan and subdivision approval.

- (1) Before a building permit may be issued for any use in the WPD Waterfront Planned Development District, a site plan shall be approved in accordance with the provisions of Section 245-16 of this Zoning Ordinance as modified by the provisions of subsection D. All or any portion of the land area within the WPD Waterfront Planned Development District may be subdivided either horizontally or vertically for purposes of sale, lease or mortgage and/or (to the extent permitted by law) tax lot creation without regard to any minimum lot area or to any other bulk of dimensional regulation set forth in this Section 245.21.1 or elsewhere in this Zoning Ordinance, provided that all lots, parcels or development sites so created shall in any event be developed and used only in accordance with the approved

Concept Development Plan and with an approved site plan(s). A subdivision plat shall be approved in accordance with the provisions of the Subdivision Regulations of the Village. Notwithstanding anything to the contrary in this Zoning Ordinance, authority to approve site plans for uses and subdivisions of land in the WPD Waterfront Planned Development District is vested in the Board of Trustees of the Village.

- (2) Applications for site plan and subdivision approval.
 - (a) Site plan approval may be granted for properties in the WPD Waterfront Planned Development District for which the applicant is the duly designated qualified and eligible sponsor of the Waterfront Urban Renewal Project (or any portion thereof) under General Municipal Law Article 15 or 15A. Any applicant for site plan approval shall submit a site plan(s) which materially conforms to the approved Concept Development Plan. Site plans shall comply, as to content and completeness, with the specifications of Section 245-16F of this Zoning Ordinance.
 - (b) An applicant for subdivision approval shall submit a subdivision plat that complies, as to content and completeness, with the Subdivision Regulations of the Village. All applications for subdivision approval must reasonably conform to the approved Concept Development Plan. All applications for subdivision must be approved by the Village Board of Trustees.
- (3) Referral of Site Plans and Subdivision Plats to the Planning Board. All applications for site plan approval and for subdivision approval shall be referred by the Board of Trustees, after a determination that the application is complete, to the Planning Board of the Village for its review and advisory report to the Board of Trustees. Within sixty (62) days after the date of the referral to it, the Planning Board shall submit its report to the Board of Trustees, which may recommend modifications to the site plan and/or subdivision plat and/or conditions of approval of either. The Planning Board may, at its discretion, hold a public hearing on the application for site plan approval and/or the application for subdivision approval within the sixty (62) day review period. Notwithstanding anything to the contrary in this Section 245.21.1, the failure of the Planning Board to submit its report to the Board of Trustees within the sixty (62) day review period shall not preclude the Board of Trustees from rendering its decision on the referred application.
- E. Effect on state law. To the extent permitted by state law, the enactment of this Section 245-21.1 shall supersede any inconsistent provisions of New York Village Law Sections 7-706, 7-708, 7-725-a, 7-728, 7-730 and 7-738.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW ENACTING AMENDMENTS TO THE ZONING ORDINANCE OF THE VILLAGE OF HAVERSTRAW TO ESTABLISH NEW SECTION 245.21-1 THEREOF ENTITLED "WPD WATERFRONT PLANNED DEVELOPMENT DISTRICT (LOCAL LAW No. __ OF THE YEAR 2003).

WHEREAS, in July, 1999, MGD Holdings, LLC ("MGD") informally proposed a public/private redevelopment project (the "Project") within the portion of the downtown waterfront of the Village comprised of the parcels of land and land under water known and designated on the Village tax assessment map as: Section No. 27.09, Block 1, Lot 3; Section No. 27.10, Block 1, Lots 1, 2; Section No. 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section No. 27.17, Block 1, Lot 20; Section No. 27.18, Block 1, Lots 1, 4; Section No. 27.46, Block 1, Lots 76, 77, 78, 80, 81, 82, 83, 84, 85; Section No. 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15 (collectively, the "Project Area"); and

WHEREAS, the Board of Trustees of the Village of Haverstraw ("Village Board") is committed to the redevelopment of the Project Area through clearance, re-planning, reconstruction, rehabilitation and code enforcement in order to promote the health, safety and welfare of the residents of the Village, and to promote sound growth and economic development of the Village as a whole; and

WHEREAS, Article 15 of the New York General Municipal Law ("GML") authorizes a municipality to plan and undertake one or more urban renewal projects and grants to a municipality the powers necessary or convenient to carry out and effectuate such projects, including the powers to acquire real property necessary for or incidental to an urban renewal project by purchase, gift, devise, lease, condemnation or otherwise, and to dispose of such real property to a qualified and eligible sponsor of such urban renewal project; and

WHEREAS, on November 19, 1999, the Village Board considered a Designation Study of the Project Area prepared for the Village by Saccardi & Schiff, Inc.; and

WHEREAS, by resolution adopted on November 19, 1999, the Village Board: (a) determined that the Project Area constitutes a "substandard or unsanitary" area which is appropriate for urban renewal pursuant to GML Sections 502 and 504; and (b) granted the Developer the exclusive right to negotiate agreements with the Village for the redevelopment of the Project Area until the date on which the Village Board either designates or declines to designate MGD as the "qualified and eligible sponsor" of the Project under GML Article 15; and

WHEREAS, on December 13, 1999, the Village Board authorized and directed the preparation of an urban renewal plan for the Project Area; and

WHEREAS, a revised Designation Study dated September 22, 2000 which includes within the Project Area the parcels of land known and designated on the Village tax assessment map as: Section No. 27.18, Block 1, Lots p/o 2 and p/o 3, and Section No. 27.46, Block 1, Lot 86 (the "Additional Parcels" and collectively with the Project Area, the "Project Area") was presented to the Village Board for its consideration; and

WHEREAS, on October 2, 2000, the Village Board found and determined that the Additional Parcels are appropriate for urban renewal and authorized and directed the preparation of an urban renewal plan for the redevelopment of the entire Project Area; and

WHEREAS, on December 13, 1999, the Village Board declared its intent to be lead agency under the State Environmental Quality Review Act ("SEQRA") for the review of the Project, as well as for the review under SEQRA of all actions related thereto including, but not limited to, a proposed urban renewal plan for the redevelopment of the Project Area, a proposed local waterfront revitalization program and waterfront consistency law, and proposed amendments to the Zoning Ordinance of the Village of Haverstraw (the "Zoning Ordinance") and to the Zoning Map of the Village (the Project and all such other actions collectively, the "Proposed Actions"); and

WHEREAS, on September 14, 2000, the Village and MGD executed a certain "Interim Development Agreement" dated as of August, 2000, which generally sets forth the obligations of the Village and of MGD with respect to the Project subject to the satisfaction of all requirements under SEQRA, and which did not commit the Village to any final course of action; and

WHEREAS, on October 2, 2000, the Village Board re-confirmed its intent to be lead agency under SEQRA for the review of all of the Proposed Actions and authorized the circulation of a full Environmental Assessment Form to all potentially interested and involved agencies; and

WHEREAS, on November 20, 2000, the Village Board: (a) commenced review of the Proposed Actions in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (b) confirmed the classification of the Proposed Actions as "Type I" under SEQRA; (c) determined that the Proposed Actions may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement ("DEIS") be prepared; (d) directed that a public scoping session be held at its December 11, 2000 meeting in accordance with 6 N.Y.C.R.R. Section 617.8; and (e) directed that a written notice of its determination of significance and notice of public scoping session, together with a draft DEIS Scope, be sent to all involved and interested agencies; and

WHEREAS, a draft DEIS Scope dated November 20, 2000, was prepared in accordance with 6 N.Y.C.R.R. Section 617.8; and

WHEREAS, the Village duly published a Notice of Public Scoping and sent copies of that notice with a copy of the draft DEIS Scope to all interested and involved agencies; and

WHEREAS, on December 11, 2000, the Village Board conducted a public scoping session at which various speakers commented upon and expressed their concerns with regard to the draft DEIS Scope; and

WHEREAS, the draft DEIS Scope was subsequently revised in response to the oral and written comments of the public and of involved and interested agencies; and

WHEREAS, on February 5, 2001, the Village Board approved and adopted the draft DEIS Scope; and

WHEREAS, on November 19, 2001, the Village Board accepted a DEIS for the Project and all of the Proposed Actions prepared jointly by the Village and the Developer as complete and adequate for public review and authorized a public hearing to be held on the DEIS on December 17, 2001; and

WHEREAS, a draft urban renewal plan for the redevelopment of the Project Area entitled the "Village of Haverstraw Urban Renewal Plan for the Downtown Waterfront Redevelopment Project" (the "Waterfront Urban Renewal Plan") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the Technical Advisory Committee of the Village (the "TAC") and was duly presented to the Village Board for further action in accordance with GML Article 15; and

WHEREAS, under the Waterfront Urban Renewal Plan, except for the lands which together constitute Emeline Park, the "Damiani" property (Section 27.46, Block 1, Lots 80 and 81), certain private parcels located on the westerly side of West Street currently owned by Tilcon New York Inc., and certain private parcels identified in the Waterfront Urban Renewal Plan as "Not To Be Acquired", the Project Area is divided into five (5) land use sub-areas known and designated as "Land Use Area A," "Land Use Area B," "Land Use Area C," "Land Use Area D" and "Land Use Area E" as shown on the map attached thereto and made a part thereof entitled "Map of Land Use Areas in the Waterfront Urban Renewal Area"; and

WHEREAS, the Waterfront Urban Renewal Plan contains a "Concept Development Plan for the Waterfront Urban Renewal Project" (the "Concept Development Plan"); and

WHEREAS, the Concept Development Plan generally shows the proposed layout of buildings, structures, land uses and public and private open spaces of the Project; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Waterfront Urban Renewal Plan to the Planning Board of the Village of Haverstraw (the "Planning Board") for its report and recommendation pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Waterfront Urban Renewal Plan pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board transmitted its report to the Village Board certifying its approval of the draft Waterfront Urban Renewal Plan; and

WHEREAS, a draft of proposed amendments to the Zoning Ordinance and the Zoning Map of the Village intended to implement the Waterfront Urban Renewal Plan and the Project entitled "Section 245-21.1. WPD Waterfront Planned Development District" (collectively, the "Zoning Amendment") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the TAC and was duly presented to the Village Board for further action in accordance with Section 245-35 of the Zoning Ordinance and New York Village Law Sections 7-706 and 7-708; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Zoning Amendment to the Planning Board for its report and recommendation; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Zoning Amendment and transmitted its report and recommendation to the Village Board with respect to the Zoning Amendment; and

WHEREAS, on December 17, 2001, the Village Board duly held concurrent public hearings (the "Public Hearing") on the DEIS and on the following Proposed Actions: (a) the adoption of the proposed Zoning Amendment; (b) the adoption of the proposed Waterfront Urban Renewal Plan; (c) the adoption of a proposed "Village of Haverstraw Local Waterfront Revitalization Program" (the "LWRP") affecting all property located in the Village designated by New York State as Coastal Area; and (d) the adoption of a proposed "Village of Haverstraw Waterfront Consistency Review Law" to implement the LWRP; and

WHEREAS, on December 17, 2001, the Village Board, as potential condemnor, duly held a public hearing under Eminent Domain Procedure Law ("EDPL") Section 201 to inform the public and to review the public use to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area; and

WHEREAS, on January 7, 2002, the Village Board continued and then closed the public hearings, but kept the period for written comments on the DEIS open until January 31, 2002; and

WHEREAS, on September 24, 2002, the Village Board transmitted the draft LWRP to the New York Department of State ("NYSDOS") for its review and approval in accordance with applicable law; and

WHEREAS, on January 6, 2003, the Village Board adopted Resolution #1-2003 pursuant to which the Village Board accepted the Final Environmental Impact Statement ("FEIS") for the Proposed Actions as complete, but did not issue a Notice of Completion of the FEIS or file the FEIS; and

WHEREAS, on January 6, 2003, the Village Board requested that the New York State Division of Housing and Community Renewal ("DHCR") review the Project "in order to insure that the Village of Haverstraw is in compliance with all applicable rules, regulations and laws that would apply" to the Project, specifically with regard to the execution of the Interim Development Agreement and the proposed execution of a subsequent Land Acquisition and Disposition Agreement without competitive bidding; and

WHEREAS, on March 4, 2003, NYSDOS transmitted its comments (and the comments of all other reporting agencies) on the draft LWRP to the Village Board; and

WHEREAS, by letter dated April 16, 2003, DHCR advised the Village that State law specifically permits the negotiated sale of urban renewal property to a redevelopment sponsor without competitive bidding; and

WHEREAS, the draft LWRP was subsequently revised in response to comments received from NYSDOS and on May 5, 2003, was resubmitted to NYSDOS for further consideration

together with the Village's "Response to Comments – Village of Haverstraw Local Waterfront Revitalization Program"; and

WHEREAS, on May 15, 2003, the Village Board again referred to the Planning Board the draft Waterfront Urban Renewal Plan and draft Zoning Amendment for the Planning Board's consideration of the modifications that had been made by the TAC in response to comments received during the course of the SEQRA review process since the DEIS was accepted as complete; and

WHEREAS, on May 15, 2003, the Planning Board recommended approval of the most recent draft Zoning Amendment and certified its approval of the most recent draft Waterfront Urban Renewal Plan; and

WHEREAS, by letter dated June 2, 2003, NYSDOS issued further comments on the draft LWRP and on the Village's May 5, 2003 "Response to Comments," and indicated that it required the FEIS to be amended to make the "Response to Comments" and the revised LWRP a part of the FEIS and subject to the ten day "waiting" period under 6 N.Y.C.R.R. §617.11(a); and

WHEREAS, on June 6, 2003, the Village transmitted a further revised draft LWRP and "Response to Comments" to NYSDOS; and

WHEREAS, on June 9, 2003, NYSDOS completed its review of the draft LWRP and the Village's "Response to Comments" and ; and

WHEREAS, on June 16, 2003, the Village Board adopted a resolution amending the FEIS to make the revised, draft LWRP and the Village's "Response to Comments" a part of the FEIS and issuing a Notice of Completion of the of the amended FEIS which provided that comments on the FEIS would be accepted through June 30, 2003; and

WHEREAS, on June 16, 2003, the Village Board determined that given the passage of time since January 7, 2002, when the first public hearings on the Proposed Actions were closed, it was in the best interest of the residents of the Village for the Village Board to hold second public hearings on all of the Proposed Actions and under EDPL Section 201 to review the public purposes to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area, and

WHEREAS, Harbors Haverstraw, LLC (the "Developer") is a related entity of MGD and is the successor in interest to MGD; and

WHEREAS, on July 14, 2003, pursuant to General Municipal Law Section 507, the Village Board authorized publication of the Notice of Availability for Public Examination of a proposed Land Acquisition and Disposition Agreement ("LADA") between the Village and the Developer and of the "Redeveloper's Statement for Public Disclosure" of the Developer respecting the proposed designation of the Developer as the qualified and eligible sponsor of the Project, the proposed disposition to the Developer of parcels in the Project Area and the

redevelopment of the Project in the Project Area, and authorized a public hearing to be held thereon on July 28, 2003; and

WHEREAS, on July 28, 2003, the Village Board duly held and thereafter closed concurrent second public hearings: (a) on all of the Proposed Actions; (b) under EDPL Section 201; (c) on the proposed designation of the Developer as the qualified and eligible sponsor of the Project; and (d) on the LADA and the proposed disposition to the Developer of parcels in the Project Area for redevelopment as a part of the Project; and

WHEREAS, on August 5, 2003, the Village Board, acting as lead agency, adopted a written findings statement under SEQRA in connection with the Project and all of the Proposed Actions.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

1. The TAC has presented to the Village Board for its consideration proposed Village of Haverstraw Local Law _____ of the year 2003, which would amend the Zoning Ordinance of the Village to establish a new Section 245.21-1 thereof entitled "WPD Waterfront Planned Development District", and adopt a Concept Development Plan for the Project. The regulations of the WPD District are intended to implement the URP and would control the development of the Project. A copy of proposed Local Law No. ___ of the year 2003 is attached to this resolution as **Exhibit A**.
2. Pursuant to Section 245-35 of the Zoning Ordinance, the proposed amendments were duly reviewed by the Planning Board of the Village at its public meetings held on December 17, 2001 and on May 15, 2003.
3. Pursuant to resolutions adopted by the Planning Board on December 17, 2001 and on May 15, 2003, the Planning Board has recommended that the Village Board approve the proposed amendments to the Zoning Ordinance.
4. Accordingly, the Village Board hereby enacts Local Law No. ___ of the year 2003.

Resolution # 268 – 2003

Motion by Trustee: Brennan

Seconded by Trustee: Cintron

	For the Motion	Against the Motion
Mayor Wassmer	Yes	
Deputy Mayor Cintron	Yes	
Trustee Batista	Yes	
Trustee Brennan	Yes	
Trustee Sanchez		Abstain

Motion passes: 4 yes
1 Abstain

I, Emma L. Velez, Clerk of the Village of Haverstraw, New York, do hereby certify that the above resolution was adopted at a Regular meeting of the Board of Trustees held on August 11, 2003 and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 12, 2003
Haverstraw, New York


Emma L. Velez, Village Clerk

SEAL OF MUNICIPALITY

APPENDIX E

**VILLAGE OF HAVERSTRAW LWRP – RELATED
ZONING MAP AMENDMENTS (LOCAL LAW NO. 3 OF
2003)**

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

SEP 02 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Haverstraw
~~Town~~
~~Village~~

Local Law No. 3 of the year ~~19~~ 2003

A local law to amend the Zoning Map of the Village of Haverstraw
(Insert Title)

to re-zone certain properties to WPD - Waterfront

Planned District as follows:

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Haverstraw
~~Town~~
~~Village~~ as follows:

see attached for text

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2003 of the (County)(City)(Town)(Village) of Haverstraw was duly passed by the Board of Trustees on August 11, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

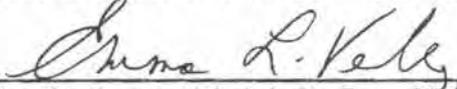
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

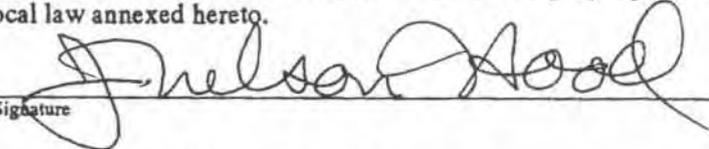
(Seal)

Date: August 15, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK Rockland
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Village Attorney
Title

~~County~~
~~City~~ of HAVERSTRAW
~~Town~~
Village

Date: August 15, 2003

VILLAGE OF HAVERSTRAW

Local Law No. 3 of the year 2003

Be it enacted by the Board of trustees of the Village of Haverstraw as follows:

1. The Zoning Map of the Village of Haverstraw is hereby amended to re-classify the following real property as WPD Waterfront Planned District and to make such real property subject to the regulations of such district as set forth in Sec. 245-21.1 of the Zoning Ordinance of the Village of Haverstraw: Section No. 27.09, Block 1, Lot 3; Section 27.10, Block 1, Lots, 1 2; Section 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section 27.17, Block 1, Lot 20; Section No. 27.46, Block 1 Lots 76, 77, 78, 82, 83, 84, 85; Section No. 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15.
2. This Local Law shall take effect immediately upon filing with he Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HAVERSTRAW ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE VILLAGE TO RE-ZONE CERTAIN PROPERTIES TO WPD DISTRICT (LOCAL LAW No. ___ OF 2003).

WHEREAS, in July, 1999, MGD Holdings, LLC ("MGD") informally proposed a public/private redevelopment project (the "Project") within the portion of the downtown waterfront of the Village comprised of the parcels of land and land under water known and designated on the Village tax assessment map as: Section No. 27.09, Block 1, Lot 3; Section No. 27.10, Block 1, Lots 1, 2; Section No. 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section No. 27.17, Block 1, Lot 20; Section No. 27.18, Block 1, Lots 1, 4; Section No. 27.46, Block 1, Lots 76, 77, 78, 80, 81, 82, 83, 84, 85; Section No. 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15 (collectively, the "Project Area"); and

WHEREAS, the Board of Trustees of the Village of Haverstraw ("Village Board") is committed to the redevelopment of the Project Area through clearance, re-planning, reconstruction, rehabilitation and code enforcement in order to promote the health, safety and welfare of the residents of the Village, and to promote sound growth and economic development of the Village as a whole; and

WHEREAS, Article 15 of the New York General Municipal Law ("GML") authorizes a municipality to plan and undertake one or more urban renewal projects and grants to a municipality the powers necessary or convenient to carry out and effectuate such projects, including the powers to acquire real property necessary for or incidental to an urban renewal project by purchase, gift, devise, lease, condemnation or otherwise, and to dispose of such real property to a qualified and eligible sponsor of such urban renewal project; and

WHEREAS, on November 19, 1999, the Village Board considered a Designation Study of the Project Area prepared for the Village by Saccardi & Schiff, Inc.; and

WHEREAS, by resolution adopted on November 19, 1999, the Village Board: (a) determined that the Project Area constitutes a "substandard or unsanitary" area which is appropriate for urban renewal pursuant to GML Sections 502 and 504; and (b) granted the Developer the exclusive right to negotiate agreements with the Village for the redevelopment of the Project Area until the date on which the Village Board either designates or declines to designate MGD as the "qualified and eligible sponsor" of the Project under GML Article 15; and

WHEREAS, on December 13, 1999, the Village Board authorized and directed the preparation of an urban renewal plan for the Project Area; and

WHEREAS, a revised Designation Study dated September 22, 2000 which includes within the Project Area the parcels of land known and designated on the Village tax assessment map as: Section No. 27.18, Block 1, Lots p/o 2 and p/o 3, and Section No. 27.46, Block 1, Lot 86 (the "Additional Parcels" and collectively with the Project Area, the "Project Area") was presented to the Village Board for its consideration; and

WHEREAS, on October 2, 2000, the Village Board found and determined that the Additional Parcels are appropriate for urban renewal and authorized and directed the preparation of an urban renewal plan for the redevelopment of the entire Project Area; and

WHEREAS, on December 13, 1999, the Village Board declared its intent to be lead agency under the State Environmental Quality Review Act ("SEQRA") for the review of the Project, as well as for the review under SEQRA of all actions related thereto including, but not limited to, a proposed urban renewal plan for the redevelopment of the Project Area, a proposed local waterfront revitalization program and waterfront consistency law, and proposed amendments to the Zoning Ordinance of the Village of Haverstraw (the "Zoning Ordinance") and to the Zoning Map of the Village (the Project and all such other actions collectively, the "Proposed Actions"); and

WHEREAS, on September 14, 2000, the Village and MGD executed a certain "Interim Development Agreement" dated as of August, 2000, which generally sets forth the obligations of the Village and of MGD with respect to the Project subject to the satisfaction of all requirements under SEQRA, and which did not commit the Village to any final course of action; and

WHEREAS, on October 2, 2000, the Village Board re-confirmed its intent to be lead agency under SEQRA for the review of all of the Proposed Actions and authorized the circulation of a full Environmental Assessment Form to all potentially interested and involved agencies; and

WHEREAS, on November 20, 2000, the Village Board: (a) commenced review of the Proposed Actions in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (b) confirmed the classification of the Proposed Actions as "Type I" under SEQRA; (c) determined that the Proposed Actions may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement ("DEIS") be prepared; (d) directed that a public scoping session be held at its December 11, 2000 meeting in accordance with 6 N.Y.C.R.R. Section 617.8; and (e) directed that a written notice of its determination of significance and notice of public scoping session, together with a draft DEIS Scope, be sent to all involved and interested agencies; and

WHEREAS, a draft DEIS Scope dated November 20, 2000, was prepared in accordance with 6 N.Y.C.R.R. Section 617.8; and

WHEREAS, the Village duly published a Notice of Public Scoping and sent copies of that notice with a copy of the draft DEIS Scope to all interested and involved agencies; and

WHEREAS, on December 11, 2000, the Village Board conducted a public scoping session at which various speakers commented upon and expressed their concerns with regard to the draft DEIS Scope; and

WHEREAS, the draft DEIS Scope was subsequently revised in response to the oral and written comments of the public and of involved and interested agencies; and

WHEREAS, on February 5, 2001, the Village Board approved and adopted the draft DEIS Scope; and

WHEREAS, on November 19, 2001, the Village Board accepted a DEIS for the Project and all of the Proposed Actions prepared jointly by the Village and the Developer as complete and adequate for public review and authorized a public hearing to be held on the DEIS on December 17, 2001; and

WHEREAS, a draft urban renewal plan for the redevelopment of the Project Area entitled the "Village of Haverstraw Urban Renewal Plan for the Downtown Waterfront Redevelopment Project" (the "Waterfront Urban Renewal Plan") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the Technical Advisory Committee of the Village (the "TAC") and was duly presented to the Village Board for further action in accordance with GML Article 15; and

WHEREAS, under the Waterfront Urban Renewal Plan, except for the lands which together constitute Emeline Park, the "Damiani" property (Section 27.46, Block 1, Lots 80 and 81), certain private parcels located on the westerly side of West Street currently owned by Tilcon New York Inc., and certain private parcels identified in the Waterfront Urban Renewal Plan as "Not To Be Acquired", the Project Area is divided into five (5) land use sub-areas known and designated as "Land Use Area A," "Land Use Area B," "Land Use Area C," "Land Use Area D" and "Land Use Area E" as shown on the map attached thereto and made a part thereof entitled "Map of Land Use Areas in the Waterfront Urban Renewal Area"; and

WHEREAS, the Waterfront Urban Renewal Plan contains a "Concept Development Plan for the Waterfront Urban Renewal Project" (the "Concept Development Plan"); and

WHEREAS, the Concept Development Plan generally shows the proposed layout of buildings, structures, land uses and public and private open spaces of the Project; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Waterfront Urban Renewal Plan to the Planning Board of the Village of Haverstraw (the "Planning Board") for its report and recommendation pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Waterfront Urban Renewal Plan pursuant to GML Section 505; and

WHEREAS, on December 17, 2001, the Planning Board transmitted its report to the Village Board certifying its approval of the draft Waterfront Urban Renewal Plan; and

WHEREAS, a draft of proposed amendments to the Zoning Ordinance and the Zoning Map of the Village intended to implement the Waterfront Urban Renewal Plan and the Project entitled "Section 245-21.1. WPD Waterfront Planned Development District" (collectively, the "Zoning Amendment") was prepared by the Village's consultants with the assistance of the Developer and reviewed by the TAC and was duly presented to the Village Board for further action in accordance with Section 245-35 of the Zoning Ordinance and New York Village Law Sections 7-706 and 7-708; and

WHEREAS, on June 12, 2001, the Village Board duly referred the Zoning Amendment to the Planning Board for its report and recommendation; and

WHEREAS, on December 17, 2001, the Planning Board duly held a public hearing on the proposed Zoning Amendment and transmitted its report and recommendation to the Village Board with respect to the Zoning Amendment; and

WHEREAS, on December 17, 2001, the Village Board duly held concurrent public hearings (the "Public Hearing") on the DEIS and on the following Proposed Actions: (a) the adoption of the proposed Zoning Amendment; (b) the adoption of the proposed Waterfront Urban Renewal Plan; (c) the adoption of a proposed "Village of Haverstraw Local Waterfront Revitalization Program" (the "LWRP") affecting all property located in the Village designated by New York State as Coastal Area; and (d) the adoption of a proposed "Village of Haverstraw Waterfront Consistency Review Law" to implement the LWRP; and

WHEREAS, on December 17, 2001, the Village Board, as potential condemnor, duly held a public hearing under Eminent Domain Procedure Law ("EDPL") Section 201 to inform the public and to review the public use to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area; and

WHEREAS, on January 7, 2002, the Village Board continued and then closed the public hearings, but kept the period for written comments on the DEIS open until January 31, 2002; and

WHEREAS, on September 24, 2002, the Village Board transmitted the draft LWRP to the New York Department of State ("NYSDOS") for its review and approval in accordance with applicable law; and

WHEREAS, on January 6, 2003, the Village Board adopted Resolution #1-2003 pursuant to which the Village Board accepted the Final Environmental Impact Statement ("FEIS") for the Proposed Actions as complete, but did not issue a Notice of Completion of the FEIS or file the FEIS; and

WHEREAS, on January 6, 2003, the Village Board requested that the New York State Division of Housing and Community Renewal ("DHCR") review the Project "in order to insure that the Village of Haverstraw is in compliance with all applicable rules, regulations and laws that would apply" to the Project, specifically with regard to the execution of the Interim Development Agreement and the proposed execution of a subsequent Land Acquisition and Disposition Agreement without competitive bidding; and

WHEREAS, on March 4, 2003, NYSDOS transmitted its comments (and the comments of all other reporting agencies) on the draft LWRP to the Village Board; and

WHEREAS, by letter dated April 16, 2003, DHCR advised the Village that State law specifically permits the negotiated sale of urban renewal property to a redevelopment sponsor without competitive bidding; and

WHEREAS, the draft LWRP was subsequently revised in response to comments received from NYSDOS and on May 5, 2003, was resubmitted to NYSDOS for further consideration

together with the Village's "Response to Comments – Village of Haverstraw Local Waterfront Revitalization Program"; and

WHEREAS, on May 15, 2003, the Village Board again referred to the Planning Board the draft Waterfront Urban Renewal Plan and draft Zoning Amendment for the Planning Board's consideration of the modifications that had been made by the TAC in response to comments received during the course of the SEQRA review process since the DEIS was accepted as complete; and

WHEREAS, on May 15, 2003, the Planning Board recommended approval of the most recent draft Zoning Amendment and certified its approval of the most recent draft Waterfront Urban Renewal Plan; and

WHEREAS, by letter dated June 2, 2003, NYSDOS issued further comments on the draft LWRP and on the Village's May 5, 2003 "Response to Comments," and indicated that it required the FEIS to be amended to make the "Response to Comments" and the revised LWRP a part of the FEIS and subject to the ten day "waiting" period under 6 N.Y.C.R.R. §617.11(a); and

WHEREAS, on June 6, 2003, the Village transmitted a further revised draft LWRP and "Response to Comments" to NYSDOS; and

WHEREAS, on June 9, 2003, NYSDOS completed its review of the draft LWRP and the Village's "Response to Comments" and ; and

WHEREAS, on June 16, 2003, the Village Board adopted a resolution amending the FEIS to make the revised, draft LWRP and the Village's "Response to Comments" a part of the FEIS and issuing a Notice of Completion of the of the amended FEIS which provided that comments on the FEIS would be accepted through June 30, 2003; and

WHEREAS, on June 16, 2003, the Village Board determined that given the passage of time since January 7, 2002, when the first public hearings on the Proposed Actions were closed, it was in the best interest of the residents of the Village for the Village Board to hold second public hearings on all of the Proposed Actions and under EDPL Section 201 to review the public purposes to be served by the proposed Project and the impact on the residents of the Village of the potential condemnation by the Village of certain property interests in certain parcels of land in the Project Area, and

WHEREAS, Harbors Haverstraw, LLC (the "Developer") is a related entity of MGD and is the successor in interest to MGD; and

WHEREAS, on July 14, 2003, pursuant to General Municipal Law Section 507, the Village Board authorized publication of the Notice of Availability for Public Examination of a proposed Land Acquisition and Disposition Agreement ("LADA") between the Village and the Developer and of the "Redeveloper's Statement for Public Disclosure" of the Developer respecting the proposed designation of the Developer as the qualified and eligible sponsor of the Project, the proposed disposition to the Developer of parcels in the Project Area and the

redevelopment of the Project in the Project Area, and authorized a public hearing to be held thereon on July 28, 2003; and

WHEREAS, on July 28, 2003, the Village Board duly held and thereafter closed concurrent second public hearings: (a) on all of the Proposed Actions; (b) under EDPL Section 201; (c) on the proposed designation of the Developer as the qualified and eligible sponsor of the Project; and (d) on the LADA and the proposed disposition to the Developer of parcels in the Project Area for redevelopment as a part of the Project; and

WHEREAS, on August 5, 2003, the Village Board, acting as lead agency, adopted a written findings statement under SEQRA in connection with the Project and all of the Proposed Actions.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

1. The TAC has presented to the Village Board for its consideration proposed Village of Haverstraw Local Law No. ____ of the year 2003, which would amend the Zoning Map of the Village to re-zone the following properties to WPD Waterfront Planned Development District: Section No. 27.09, Block 1, Lot 3; Section No. 27.10, Block 1, Lots 1, 2; Section No. 27.14, Block 1, Lots 1, 2, 3, 4, 5; Section No. 27.17, Block 1, Lot 20; Section No. 27.46, Block 1, Lots 76, 77, 78, 82, 83, 84, 85; Section No. 27.54, Block 2, Lots 16, 18, 19, 20, 21, 22; Section No. 27.62, Block 2, Lots 7.1, 7.2, 8, 10, 11, 12, 13, 14, 15. A copy of Local Law No. ____ of the year 2003 is attached to this resolution as **Exhibit A**.
2. Pursuant to Section 245-35 of the Zoning Ordinance, the proposed amendment to the Zoning Map was duly reviewed by the Planning Board of the Village at its public meetings held on December 17, 2001 and on May 15, 2003.
3. Pursuant to resolutions adopted by the Planning Board on December 17, 2001 and on May 15, 2003, the Planning Board has recommended that the Village Board approve the proposed amendment to the Zoning Map.
4. Accordingly, the Village Board hereby enacts Local Law No. ____ of 2003.

Resolution # 269 – 2003

Motion by Trustee: Cintron

Seconded by Trustee: Batista

	For the Motion	Against the Motion
Mayor Wassmer	Yes	
Deputy Mayor Cintron	Yes	
Trustee Batista	Yes	
Trustee Brennan	Yes	
Trustee Sanchez		Abstain

Motion passes: 4 yes
1 Abstain

I, Emma L. Velez, Clerk of the Village of Haverstraw, New York, do hereby certify that the above resolution was adopted at a Regular meeting of the Board of Trustees held on August 11, 2003 and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 12, 2003
Haverstraw, New York


Emma L. Velez, Village Clerk

SEAL OF MUNICIPALITY

APPENDIX F

GUIDELINES FOR NOTIFICATION AND REVIEW OF STATE AGENCY ACTIONS WHERE LOCAL WATERFRONT REVITALIZATION PROGRAMS ARE IN EFFECT

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM**

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

I. PURPOSES OF GUIDELINES

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

II. DEFINITIONS

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of

an approved LWRP, then the action must be one:

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

III. NOTIFICATION PROCEDURE

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

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes

of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

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

V. RESOLUTION OF CONFLICTS

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

proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
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.

APPENDIX G

PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW

**PROCEDURAL GUIDELINES FOR COORDINATING
NYS DEPARTMENT OF STATE (DOS) & LWRP
CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

DIRECT ACTIONS

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

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator 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.

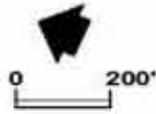
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the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

FINANCIAL ASSISTANCE ACTIONS

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

APPENDIX H

VILLAGE OF HAVERSTRAW URBAN RENEWAL PROJECT AREA BOUNDARY

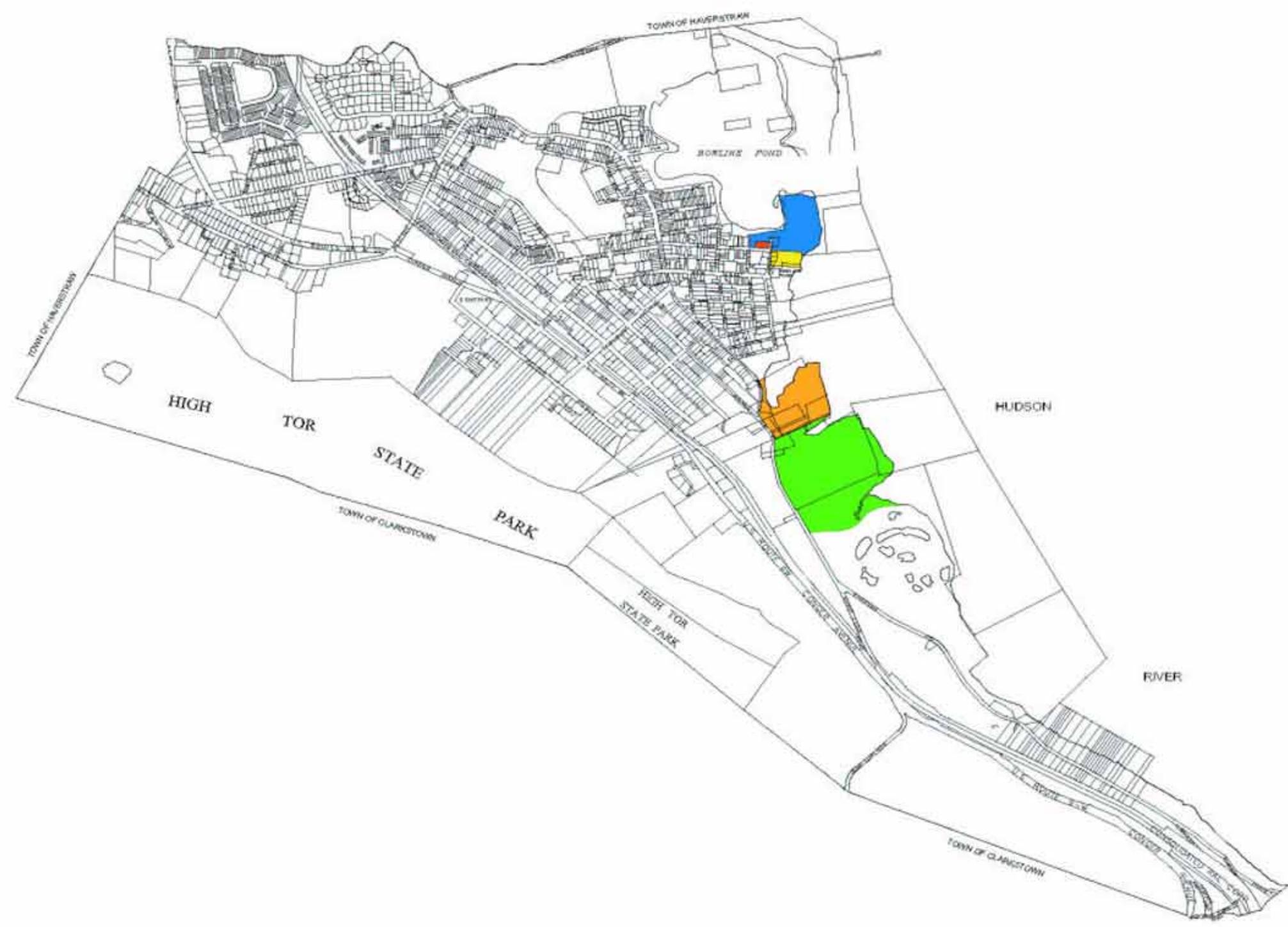
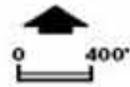


Appendix H
**URBAN RENEWAL
PROJECT AREA BOUNDARY**
**HAVERSTRAW DOWNTOWN
WATERFRONT REDEVELOPMENT**
Village of Haverstraw, New York

May 2003

APPENDIX I

VILLAGE OF HAVERSTRAW LAND USE AREAS



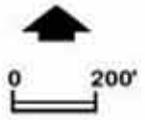
-  Land Use Area A
-  Land Use Area B
-  Land Use Area C
-  Land Use Area D
-  Land Use Area E

Appendix I
LAND USE AREAS
**HAVERSTRAW DOWNTOWN
WATERFRONT REDEVELOPMENT**
Village of Haverstraw, New York
May 2003

BASE MAP SOURCE: Rockland County Planning Department, Village of Haverstraw, New York

APPENDIX J

VILLAGE OF HAVERSTRAW DOWNTOWN CONCEPT DEVELOPMENT PLAN



Maximum Dwelling Units*

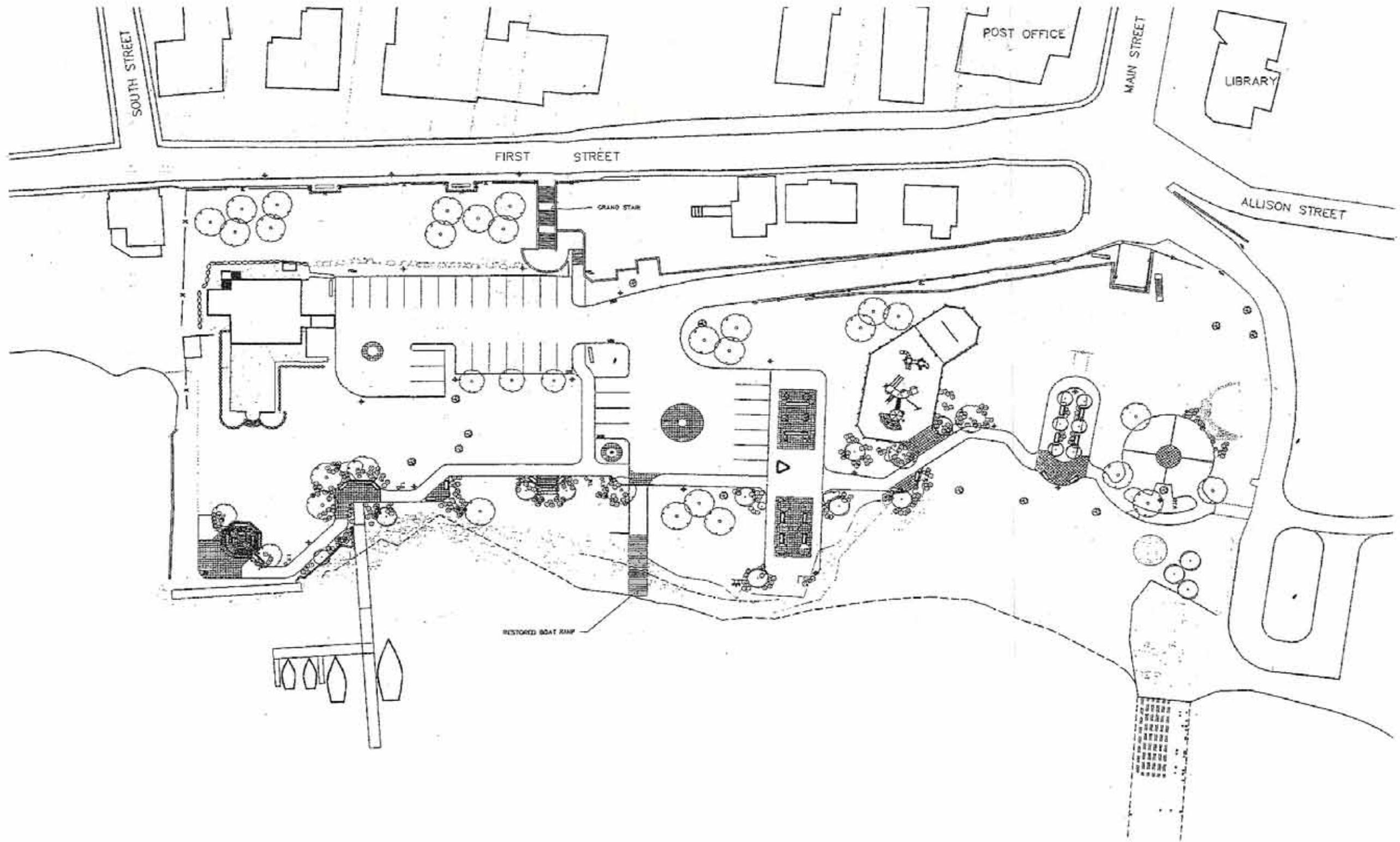
Land Use Area	A-490
	B-250
	C-150
	D- 50
	E- 10

* However, maximum aggregate number of units shall be no greater than 890. See sec. C of the Village of Haverstraw Waterfront Urban Renewal Plan.

Appendix J
CONCEPT
DEVELOPMENT PLAN
HAVERSTRAW DOWNTOWN
WATERFRONT REDEVELOPMENT
 Village of Haverstraw, New York

APPENDIX K

**VILLAGE OF HAVERSTRAW EMELINE PARK
IMPROVEMENT PLAN**



Appendix K
Village of Haverstraw Emeline Park
Improvement Plan