

City of Kingston Local Waterfront Revitalization Program

Adopted:

City of Kingston Common Council, July 7, 1992

Approved:

NYS Secretary of State Gail S. Shaffer, October 27, 1992

Concurred:

U.S. Office of Ocean and Coastal Resource Management, October 6, 1993

This Local Waterfront Revitalization Program (LWRP) has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this LWRP into the New York State Coastal Management Program as a Routine Program Implementation action has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this LWRP 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 LWRPs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, Albany, New York 12231.



City of Kingston

NEW YORK 12401

JOHN A. AMARELLO
MAYOR

OFFICE OF THE MAYOR

914-331-0080

July 16, 1992

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

Dear Secretary Shaffer:

The City of Kingston Common Council formally adopted the City's Final Local Waterfront Revitalization Program (LWRP) on July 7, 1992. This action was taken after having completed all environmental review procedures in accordance with the State Environmental Quality Review Act (SEQRA) and having addressed review comments received pursuant to Article 42 of the NYS Executive Law. Attached is a copy of the resolution passed by the Kingston Common Council in adopting the LWRP and the SEQRA Findings Statement.

As the Mayor for the City of Kingston and on behalf of the entire City, I respectfully request your consideration and approval of the Kingston Local Waterfront Revitalization Program pursuant to Article 42 of the NYS Executive Law.

Sincerely,

John A. Amarello
Mayor

JAA:dw
attachment:



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

OCT 1 1993

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

Dear Mr. Stafford:

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

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

Sincerely,


Frank Maloney
Acting Director



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EXECUTIVE SUMMARY

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

Authority. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law, Article 42) and the implementing of rules and regulations for the Act (Part 600 NYCRR) authorize the preparation of Local Waterfront Revitalization Programs with financial and technical assistance from the NYS Department of State. Article 42 and Part 6800 also require that all State agency actions proposed in a local waterfront area covered by an approved program be undertaken in a manner consistent, to the maximum extent practicable, with the policies and purposes of such program. In the absence of an approved LWRP, State agency actions in the coastal area must be consistent with the forty-four (44) coastal policies set forth in the New York State Coastal Management Program (CMP). When a LWRP has been approved by the NYS Secretary of State its policies and purposes are substituted for those of the CMP.

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

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

The Department of State then assists the local governing body in preparing a final EIS and a final LWRP which address comments received on the draft EIS and the draft LWRP. When the local governing body has adopted the final LWRP and has enacted any local regulatory measures needed to implement it, the NYS Secretary of State and the U.S. Office of Ocean and Coastal Resource Management are asked to approve the LWRP. Upon approval of the LWRP, all State and Federal agencies are required by law to undertake proposed actions in the local waterfront area in a manner that is consistent, to the maximum extent practicable, with the policies and purposes of the approved LWRP. The local government is similarly obligated by a local law enacted to assure consistency.

Summary of the City of Kingston LWRP

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

- SECTION I WATERFRONT REVITALIZATION AREA BOUNDARY.** The first section identifies and clarifies both the landward and waterside boundaries of the City's local waterfront revitalization area.
- SECTION II INVENTORY AND ANALYSIS.** This section inventories and analyzes the City's natural resources (water, land, vegetation, fish and wildlife and scenic resources), community/cultural resources (development, public access and recreation, historic and archeological resources and agricultural resources), existing land and water uses and important economic activities within the waterfront area. For each category inventoried, the analysis portion discusses problems, issues and/or opportunities which should be addressed in later sections of the program.
- SECTION III WATERFRONT REVITALIZATION PROGRAM POLICIES.** Section III lists the 44 NYS coastal policies under the headings Development Policies, Fish and Wildlife Policies, Flooding and Erosion Hazard Policies, General Policy, Public Access and Recreation Policies, Scenic Resources Policies, Agricultural Lands Policy, Energy and Ice Management Policies, and Water and Air Resources Policies. Of the 44 State coastal policies listed, 40 are explained as applicable while 4 are identified as not applicable. Accompanying the State policies are 28 local policies aimed at providing greater specificity and additional coastal management capability. Where appropriate, guidelines are included to assist in applying the State and local policies.
- SECTION IV PROPOSED USES AND PROJECTS.** Here, proposed future land and water uses are recommended for the City's waterfront area. The proposed land use pattern generally reflects the existing zoning map. One notable exception is the land along the Hudson River and Rondout Creek that has been rezoned to RF-H Hudson Riverfront and RF-R Rondout Riverfront Zoning Districts, respectively. Both of these zoning districts afford priority to water-dependent uses. They also achieve public access to the coastal area, control development, create distinct Hudson River and Rondout Creek waterfront districts, and serve to implement the policies and purposes of the Kingston LWRP. The two zoning districts also provide opportunities for permanent public views and access to the Hudson River and Rondout Creek and encourage the phase out of certain uses which are incompatible with, and detract from the Hudson River and Rondout Creek waterfront areas.

The City has proposed fourteen (14) projects that will enhance, encourage, and contribute to the redevelopment of Kingston's waterfront area and the entire City. Projects range from municipal park improvements and coastal public access projects to infrastructure and museum improvements.

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM. This section describes the local laws and regulations, other public and private actions, management structures and financial resources necessary to implement the LWRP. It also describes additional local laws which were specifically enacted to implement the program, such as amendments to the City's zoning regulations. The City has established two new zoning districts covering the City's entire waterfront: the RF-H Hudson Riverfront Zoning District and the RF-R Rondout Riverfront Zoning District. These new zoning districts have replaced the previous zoning districts along the waterfronts of both bodies of water. In addition, the City has enacted a Local Waterfront Revitalization Program Consistency Review Law that will provide a framework for agencies of the City to consider the policies and purposes of the LWRP when reviewing applications for actions or direct agency actions located in the City's waterfront area. In addition, the LWRP Consistency Review Law will assure that such actions and direct actions are consistent with the LWRP policies and purposes.

Other City implementation measures are identified in this section. They include: means of financing proposed projects, studies and plans; management responsibilities of local officials; and, descriptions of the processes for local and State/Federal consistency reviews.

SECTION VI

FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPLEMENTATION. This section identifies those State and Federal agencies which must act consistently with the local program, once approved, and those whose actions would be needed for the local program's implementation.

SECTION VII

CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES. Section VII simply lists the various agencies or organizations consulted regarding the preparation of LWRPs in general or specifically, regarding the Kingston program.

SECTION VIII

LOCAL COMMITMENT. This section briefly describes the process undertaken to obtain local support for the program and commitment to its implementation.

Benefits of an Approved Program

1. The program established (through its various policies) means of both protecting and enhancing local coastal resources within the framework of City regulations, projects and other implementation techniques.
2. State and Federal agencies will be required by law to be consistent with the local program's policies and purposes once it has been approved.
3. The New York State Department of State is available to the City to provide technical assistance in developing measures to achieve local coastal objectives.
4. An approved LWRP can help attract public and private investment in waterfront projects since it demonstrates a community's commitment to revitalization and resource protection, and contains conceptual plans for projects which make the development process more predictable and efficient. These plans help to convince funding entities and private developers that the projects are realistic and that money will be well spent and fits into a comprehensive plan that will ultimately protect the investment.

SECTION I

LOCAL WATERFRONT REVITALIZATION PROGRAM BOUNDARY

KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

I. LOCAL WATERFRONT REVITALIZATION PROGRAM BOUNDARY

The Local Waterfront Revitalization Program (LWRP) establishes boundaries consistent and in accordance with the Coastal Zone Management Act of 1972, as amended, the rules and regulations pertaining to this act and the Coastal Management Program developed by New York State.

The City of Kingston, like all local communities participating in the Local Waterfront Revitalization Program, was permitted under program guidelines to recommend changes in the State Coastal Area Boundary. The boundary which is illustrated on the accompanying map and further described in the narrative below contains the State and Federally approved revisions to the State Coastal Area Boundary for the City of Kingston, New York.

City of Kingston Local Waterfront Revitalization Area Boundary Definition:

Beginning at the northwestern most corner of Kingston's Waterfront Boundary where Kingston's Corporate Boundary intersects NY State Route 9W, the boundary extends southerly along the centerline of Route 9W to the intersection of Tammeny Street, then easterly along the centerline of Tammeny Street to First Avenue, then southerly along the centerline of First Avenue to Kingston Street, then easterly along the centerline of Kingston Street to Fourth Avenue, then southerly along the centerline of Fourth Avenue to the intersection of Fourth Avenue and Ulster Street, then south along a line parallel to and four hundred (400) feet east of Third Avenue to Delaware Avenue, to Livingston Avenue, then south-easterly along the centerline of Livingston Avenue to East Chestnut Street, then crossing Broadway to West Chestnut Street and continuing southerly along the centerline of West Chestnut Street to Montrepose Avenue, then easterly along the centerline of Montrepose to Pierpont Street, then southwesterly along the centerline of Pierpont Street to Hudson Street, then south along the centerline of Hudson Street to Abeel Street, then southwesterly along the centerline of Abeel Street to Davis Street, then northwesterly along the centerline of Davis Street to Dunn Street, then southeasterly along the centerline of Dunn Street to Abeel Street to the Kingston Corporate Boundary, then southeasterly along the Kingston Corporate Boundary to the approximate centerline of Rondout Creek which is also Kingston's Corporate Boundary, then easterly along the Rondout Creek Corporate Boundary to the approximate center of the Hudson River which is Kingston's Corporate Boundary, then northerly along the Hudson River Corporate Boundary to Kingston's Northern Corporate limits, then westerly along Kingston's Northern Corporate Boundary to the point of beginning.

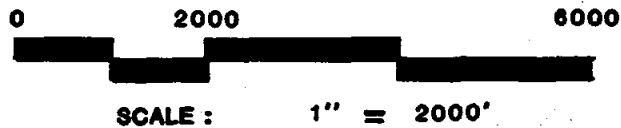
KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

COASTAL AREA

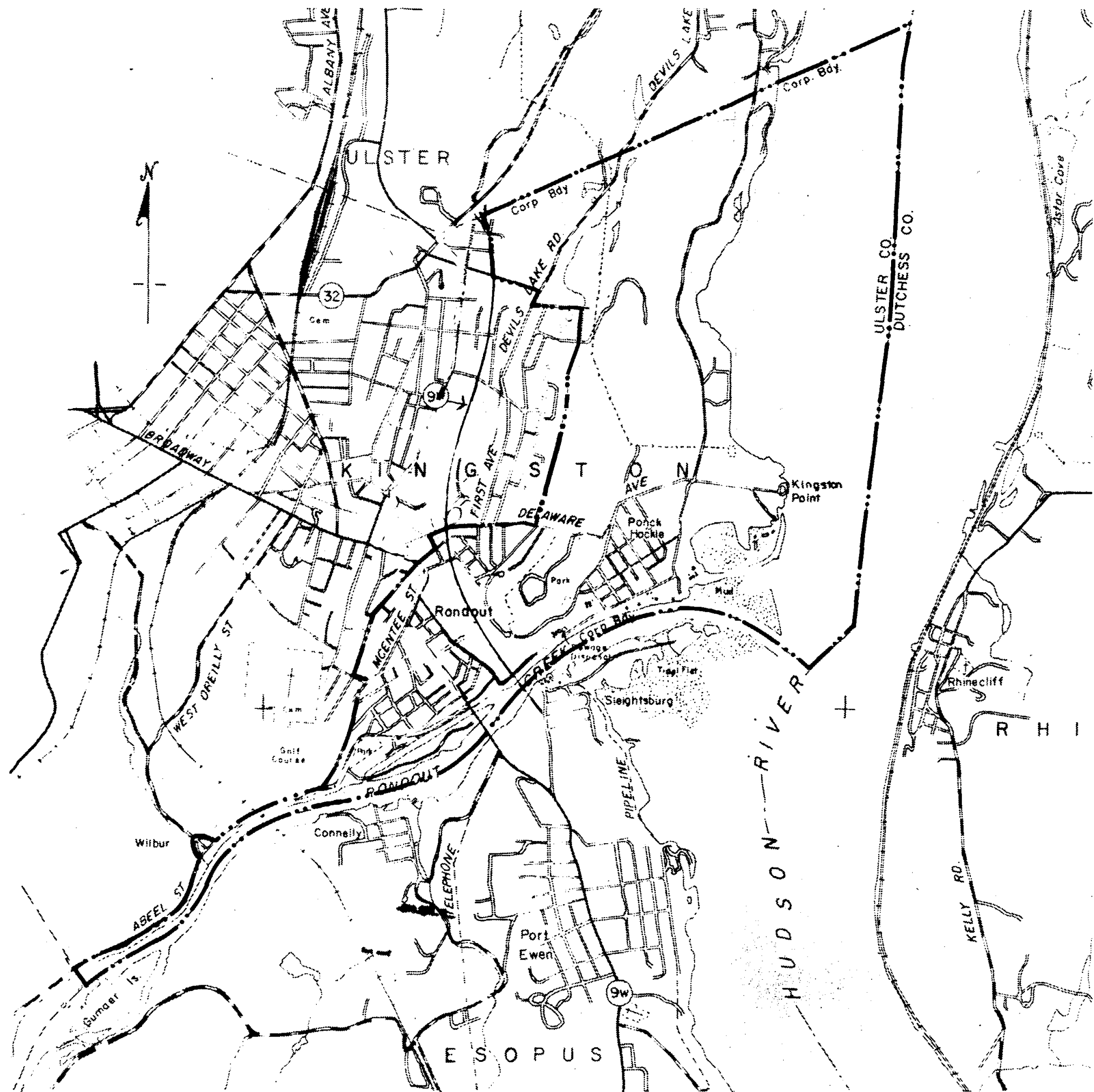
LEGEND

- Corp. Boundary
- Coastal Boundary

KINGSTON URBAN AREA BOUNDARY
IS DEFINED AS
FOLLOWING THE CENTERLINE
OF RONDOUT CREEK AND THE HUDSON RIVER



DATE: 10/16/85 SHEET NO. 1



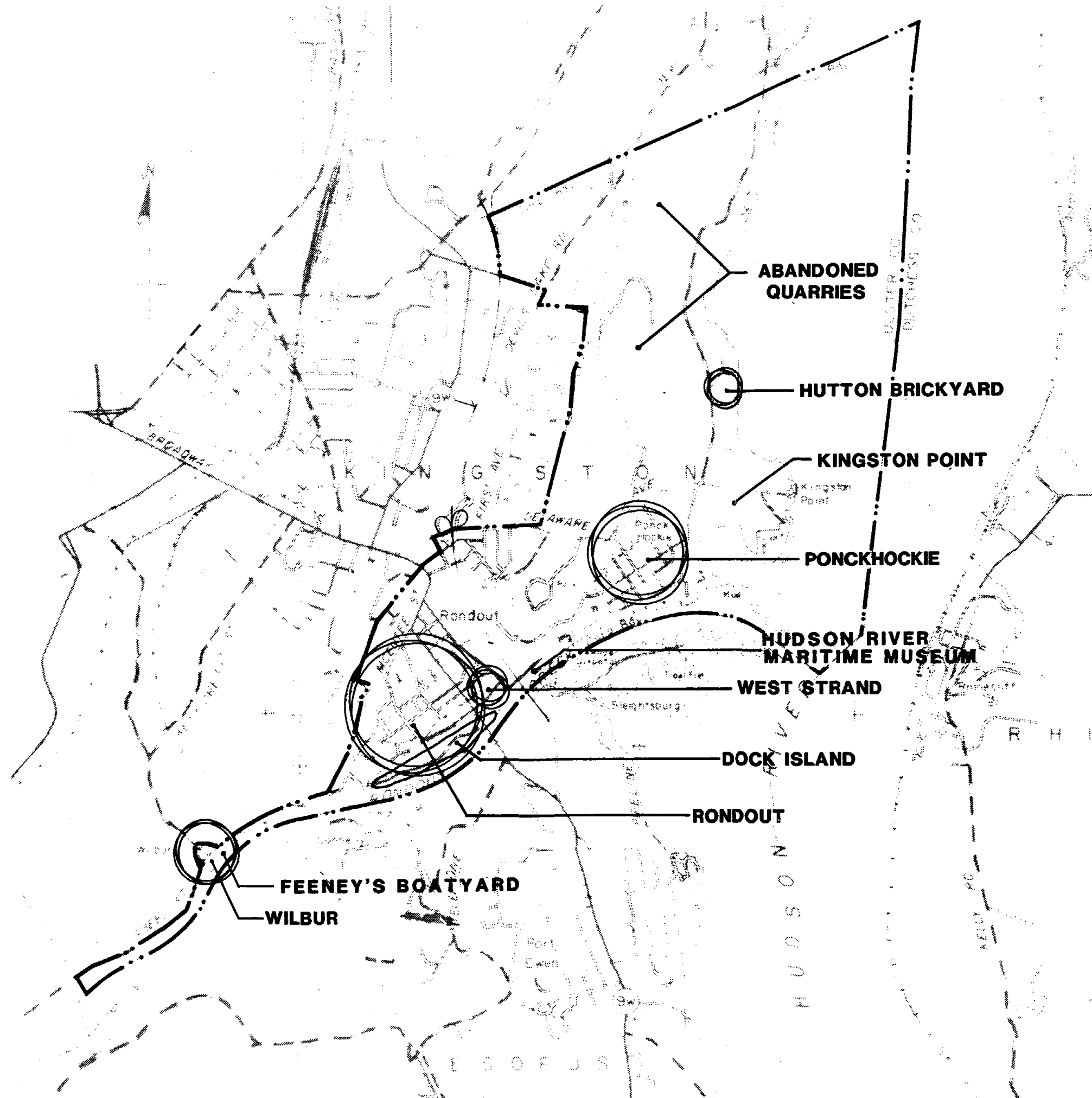
KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

KEY FEATURES

LEGEND

Corp. Boundary

Coastal Boundary



0 2000 6000

SCALE : 1" = 2000'



DATE 10/16/85

SHEET NO. 2

SECTION II
INVENTORY AND ANALYSIS

A. HISTORY

The City of Kingston grew out of a trading post established by the Dutch in 1614 to exchange trading with the Esopus Indians. By the early 1650's, a mere four decades later, a colony had been established at the mouth of the Rondout Creek. The settlement was then called Esopus after the Indians who had lived in the area and was the third area to be settled in what is now New York State.

As trade with the Indians developed, the small colony of Esopus took root and grew. It was not long, however, before the colonists grew to fear their Indian neighbors. A wooden stockade was erected in 1658 on high ground north of the original settlement as protection from possible Indian attack. This stockade, it seems, was built with good cause for it was seized by the Indians at one point and the village within burned.

In 1661 the Dutch signed a treaty with the Esopus Indians, ending more than a decade of bloody conflict. However, shortly after this, the English seized the entire Province of New Netherland from the Dutch and made New York a colony of the British Crown. From that point, the settlement was known as Kingston. In 1683 the colony of New York was divided by the British into counties. Kingston became a part of Ulster County.

From this point, the Kingston settlement grew and prospered. Its location at the confluence of the Hudson River and Rondout Creek made Kingston ideally suited as a river port. With the construction of the D and H Canal in 1828, the Port of Rondout mushroomed as a population center until it rivaled the stockade area in size and activity. Traffic between the two population centers traveled along Broadway, which even today functions as the primary connecting link between these two sections of the City.

Wilbur Avenue became a second artery connecting the Rondout waterway with the stockade settlement and the interior beyond. This route, while heavily traveled, was used more to carry bluestone and other material bound for shipment aboard river barges.

The building of boats and river barges became a major industry during this era. Feeney's Boatyard in Wilbur is the last remnant of this once-thriving industry.

By the late 1800s, the railroads were replacing the canal and river as the most popular form of commercial transportation. The then-burgeoning villages of Kingston and Rondout survived this transition and continued to grow.

When the Village of Rondout petitioned the State Legislature to be chartered as a city in 1872, State lawmakers required that the Village of Kingston and the Hamlet of Wilbur be included in the proposed corporate boundaries. Thus, the City of Kingston came into being. When a City Hall was erected in 1872, the building was sited on Broadway midway between the parent villages of Kingston and Rondout.

The automobile caused yet another major shift in the State's transportation patterns. As the State's system of highways grew, trucks and automobiles slowly but surely robbed the railroads of their life's blood, just as the railroads had siphoned off the canal and river's shipping business. It was, at this point, that many of what had been the City's dominant industries began to decline. The impact was especially hard on the Rondout area of the City.

By the mid-1970s, much of the City's waterfront was in deteriorated condition. Kingston Point Lighthouse, once a proud beacon welcoming travelers, stood abandoned, vulnerable to the ravages of weather and vandalism. Kingston Point itself, former gateway to the Catskills, had become a landfill. Railroad tracks that had carried thousands of visitors less than a century before lay rusting and overgrown with weeds. Rondout itself had declined from the bustling nerve center it had been in its heyday to a collection of vacant and rapidly deteriorating structures, monuments more to the waterfront's recent demise than its proud past.

Today, the evidence of the waterfront's decline is still apparent. Scrapyards, oil tank farms, abandoned factories, and deteriorated bulkheads all bear witness to it, but these pockets of blight no longer tell the whole story.

The true story of Kingston's waterfront today is that it is experiencing a renaissance. This renaissance is, to be sure, a slow one. Much remains to be done. Yet, the evidence is clear. Kingston is reclaiming this valuable resource. A "beachhead" has been established and secured and the economic invasion is underway.

Kingston Point is once again a park; the recently-improved facility literally rising above the ashes of the past. At the other end of the Rondout corridor an impeccably restored S & WB Fitch Bluestone House stands as indisputable evidence of the feasibility and the rewards of preservation. In between, the West Strand commercial district and Lower Broadway are coming back to life, having been rescued from deterioration by a focused redevelopment effort. Nearby, Maritime and Trolley Museums pay tribute to once-thriving transportation systems. More development is soon to take place east of Lower Broadway. Even the Kingston Point Lighthouse has been saved and is being restored, this time as a beacon to the waterfront's rebirth.

B. PHYSICAL ENVIRONMENT

The physical environment of the waterfront has significant implications for the potential and problems associated with its revitalization.

1. Topography

Land along the portion of the Hudson River shore which lies within the City of Kingston's corporate boundaries is generally composed of flat and level coastal areas ranging between 0-200 feet in width. Steep slopes rise above the inland boundaries of these low, flood plain areas. Peak elevations of these slopes are as high as 250 feet.

Kingston Point, located at the mouth of Rondout Creek, is the largest lowland area within the City's coastal area. As the coastal area proceeds inland along the Rondout Creek, topographic conditions again become similar to those along the Hudson River. The flood plain is generally wider along this portion of the waterfront. Adjoining slopes are typically not as high as on the Hudson, seldom rising above 200 feet.

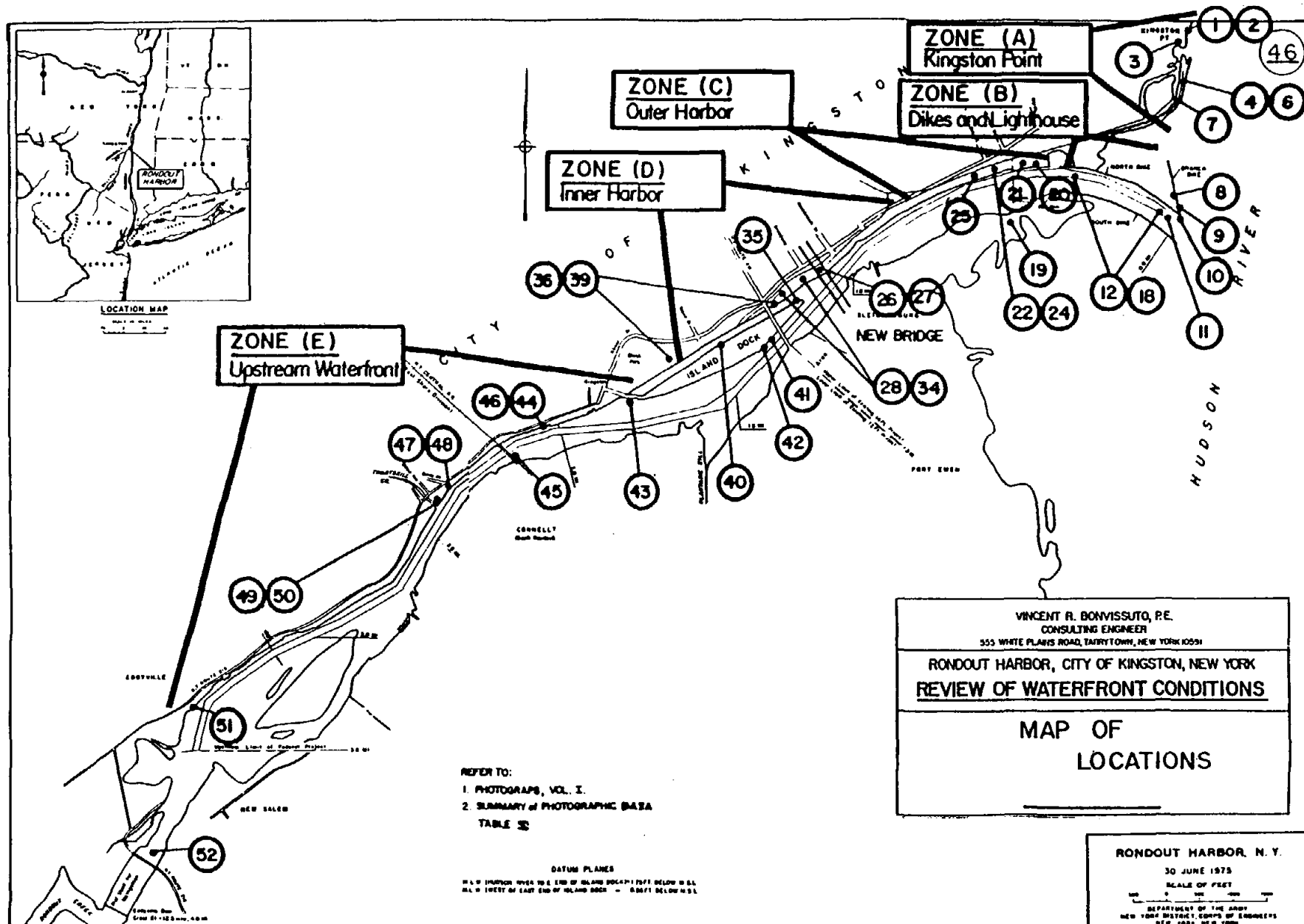
2. Erosion

There are no significant erosion problems associated with the steep slopes within the coastal area at this time. The Hudson River Coast, which includes more of the steeper slopes, has been abandoned. Quarrying activities in this area have created steep rock faces, and other slopes have been stabilized with rip rap or by natural means. Future development along the Hudson should be reviewed for potential erosion problems associated with construction on steeper slopes.

Erosion problems are, however, evident along the Rondout Creek where bulkheads are deteriorating and unprotected shores are being eroded by stronger currents. This erosion is causing siltation problems in the Rondout, creating the need for more frequent dredging for boating and docking activities.

Environmental Conservation Law, Article 15 (Protection of Waters) permits will be required from the New York State Department of Environmental Conservation for all bulkheading and/or dredging projects within the Rondout Creek and the Hudson River. Similarly, permits will also be required from the U.S. Army Corps of Engineers for all bulkheading and/or dredging projects within the Rondout Creek and the Hudson River.

The following chart with map identifies and describes the condition of the bulkheads along the Rondout Creek.



SUMMARY OF STRUCTURAL EVALUATION

WATERFRONT STRUCTURE

<u>ZONE</u>	<u>#</u>	<u>DESCRIPTION</u>	<u>DESCRIPTION</u>	<u>CONDITION</u>
A. KINGSTON	1	Beach and unprotected shoreline north of tank farm	None	
	2	Tank farm	Bulkheads	Fair to good
			Rip-rap embankment	Partially eroded
	3	Cove, shoreline and embankment	Rip-rap Embankment	Partially eroded
	4	Shoreline and Embankment	Shoreline beach and rip-rap embankment	Shoreline debris, embankment severely eroded
	5	Former pier and landing	Concrete platforms on piles	Totally collapsed
	6	Similar to #5		
B. DIKES & LIGHTHOUSE	7	Embankment along railroad tracks	Rip-rap embankment	Partially eroded
	8	Lighthouse and protective	Dikes	Severely damaged with loss of rubble fill
	9	Similar to #8		Same as #8
	10	Similar to #8 close-up		Same as #8
	11	Lighthouse, and protective dike west of lighthouse	Dike	Severely damaged; loss of interior ties, subsidence of rubble fill

<u>ZONE</u>	#	<u>DESCRIPTION</u>	<u>WATERFRONT STRUCTURE</u>	
			<u>DESCRIPTION</u>	<u>CONDITION</u>
C. OUTER HARBOR	12	Dike, with damaged Dike section	Dike	Totally collapsed in central section; partially collapsed east and west
	13	Dike, with damaged sections	Dike	Totally collapsed section east; central section partially damaged
	14	Dike, westerly section	Dike	Fair to good
	15	Dike, westerly section	Dike	Severely damaged; partially collapsed outer piles; total collapsed inner piles
	16	Dike, westerly sections	Dike	Severely damaged; totally collapsed inner piles
	17	Dike, westerly sections	Dike	Damaged inner piles
	18	Dike, westerly end	Dike	Severely damaged sections
	19	Bulkhead on south shore	Bulkhead	Fair
	20	Bulkheads at oil storage facility	Bulkheads	Fair to good in west and center zones; some damage in eastern zone

<u>ZONE</u>	<u># DESCRIPTION</u>	<u>WATERFRONT STRUCTURE</u>	
		<u>DESCRIPTION</u>	<u>CONDITION</u>
	21	Similar to #20, west and center zone	Fair to good
	22	Bulkheads at wrecking yard	Bulkheads West (left) piles broken at top; central zone has severe damage, distortion, east (right) has total collapse in parts of bulkhead
	23	Similar to #22, east side	Collapse of east bulkhead shown
	24	Bulkhead at wreckage yard	Bulkheads Damaged pile tops
	25	Embankment at oil storage yard	Rip-rap embankment Rip-rap loose and scattered; informal
D. INNER HARBOR	26	New bulkheads at bridge under construction	Bulkhead; steel sheet piles Excellent
	27	Similar to #26	Excellent
	28	Waterfront west of new bridge construction	Bulkhead; steel sheet piles Bulkhead Excellent Rebuilt in 1986

<u>ZONE</u>	#	<u>DESCRIPTION</u>	<u>WATERFRONT STRUCTURE</u>	
			<u>DESCRIPTION</u>	<u>CONDITION</u>
	29	Similar to #28, east side	Bulkhead	Excellent
	30	Similar to #28 and #29		
	31	Similar to #28		
	32	Waterfront in residential/ commercial area	Bulkhead	Rebuilt in 1986
	33	Similar to #28 and #32	East, bulkhead, steel sheet piles	Excellent
	34.	Shoreline west of residential/ commercial area	Bulkheads	Severe damage. Total collapse in center zone; partial collapse in some areas
	35	Easterly end of Island Dock island	Bulkhead	Partially damaged
		North Shore opposite (right) - see #36	Bulkhead	Partially distorted
	36	North shore, opposite site easterly end of Island Dock	Bulkhead	Partially distorted
	37	At base of highway bridge	Bulkhead	Severely damaged

<u>ZONE</u>	#	<u>DESCRIPTION</u>	<u>WATERFRONT STRUCTURE</u>	
			<u>DESCRIPTION</u>	<u>CONDITION</u>
E. UPSTREAM WATER-FRONT	38	Commercial area waterfront	Bulkhead	Severely damaged
	39	Marina zone	Bulkheads and piers	Fair to good; some damage
	40	North shore of Island Dock, opposite marina	Bulkheads	Severe damage
	41	South shore of Island Dock	Bulkheads	Severe damage in parts
	42	South shore of Island Dock	Bulkheads	Fair to good
			Pier	Damaged
	43	Access bridge to Island Dock	Culverts, with rip-rap embankments each side	Rip-rap thin and scattered
	44	Shoreline in residential/commercial area	Rip-rap embankment with debris and yard spoil	Rip-rap thin and scattered
	45	Waterway at railroad bridge	See following photos	

<u>ZONE</u>	<u># DESCRIPTION</u>	<u>WATERFRONT STRUCTURE</u>	
		<u>DESCRIPTION</u>	<u>CONDITION</u>
	46 North shore at railroad bridge	Rip-rap embankment	Fair to good in parts (east); rip-rap scattered in parts
	47 North shore, west of railroad bridge piles	Bulkhead, steel sheet piles west East, unprotected shoreline	Good to excellent Fair to good, but unprotected
	48 Similar to #47		
	49 Commercial yard north shore	Bulkhead, reinforced concrete	Stable, but damaged
	50 Similar to #49		
	51 Quarry conveyors		Some damage
	52 Highway bridge near Eddyville Dam	Bulkhead Rip-rap embankment	Severe damage Partially unprotected

3. Subsurface Conditions

The soil layer along much of the waterfront is relatively shallow. Natural rock outcropping combined with extensive quarrying have resulted in high cliffs.

These high cliffs and quarried inland areas prevent natural drainage from land areas further inland from flowing directly to the Hudson River. Instead, these inland areas tend to drain into Rondout Creek. This situation is aggravated by the Rondout's wider flood plain adversely affecting development along much of the creek waterfront. Areas closer to the river are particularly affected.

4. Water Quality

The New York State Department of Environmental Conservation has classified water quality in this section of the Hudson River as Class A. This classification is defined as acceptable for drinking water and all other human consumption and use including bathing.

Water in the Rondout Creek is classified as Class C quality. Water of this quality is not acceptable for primary body contact (swimming, bathing) or consumption. Restrictions regarding disposal into Class C water are particularly important since deterioration of water quality below this level would have a detrimental impact on the stream's ability to support certain species of fish and other forms of wildlife. While swimming in the Rondout is not encouraged, boating is an acceptable activity in this area.

The sensitive topographic and water quality conditions described require that care be exercised to prevent further soil erosion and limit runoff which might contribute both to erosion and to the further degradation of water quality in the Rondout Creek.

The establishment of policies aimed at controlling erosion and pollutant discharge and the adoption of appropriate standards, procedures, and local laws supporting them will address these issues while permitting optimum development of the waterfront within the parameters imposed by these constraints.

5. Flooding conditions

Land immediately adjacent to the Rondout Creek and Hudson River are subject to flooding according to its designation as a Flood Hazard Area (Floodplain) under the National Flood Insurance Program. Flooding of the Hudson River flood plain has no major impact upon developed property since development along the Hudson River shore is generally uphill from the floodplain. Those industries which did build in the flood plain generally accommodated floods by building first floor elevations above 100-year flood levels.

The area around Kingston Point Park is wetlands and park land which are compatible land uses within the flood plain.

The area most affected by periodic flooding is adjacent to Rondout Creek. Flooding occurs along the entire Rondout Creek Waterfront, especially during storms when the tide is in and storm drainage outlets are covered. Storm water backs up and flows out inlets and manholes. The worst conditions exist on East Strand between Broadway and North Street; at Tompkins Street, Ponckhockie Street, Abruyn Street and Grill Street; and at the intersection of Abeel Street and Wilbur Avenue.

C. FRESHWATER WETLANDS AND SIGNIFICANT WILDLIFE HABITAT

A number of freshwater wetlands are located within the City's coastal area. Some along the Hudson River developed as a result of quarry mining operations in that area. Others, like parts of Kingston Point, are the result of natural topography combined with close proximity to the large body of water and high flood plain.

The Kingston Point Marsh (DEC designated freshwater wetland area K.E.4) provides an ideal habitat for most species of migrating waterfowl. It is a major stop in the Hudson River flyway and one of four major hunting areas in the lower Hudson River Valley.

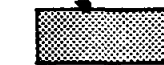
The Hudson River and Rondout Creek also provide significant fish habitat. The Rondout Creek is a desirable spawning ground for several species. Herring and smelt are abundant as are striped, large, and smallmouth bass.

The Rondout Creek has been designated by the NYS Secretary of State as a Fish and Wildlife Habitat of Statewide Significance under the NYS Coastal Management Program. (See Appendix AA, Coastal Fish and Wildlife Rating Form, Project Narrative and Maps.)

KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

NATURAL RESOURCES INVENTORY

LEGEND



Significant Fish and Wildlife
Habitats



Freshwater Wetlands



Scenic Vista

----- Coastal Boundary

----- Corp. Boundary



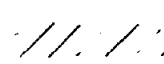
Flood Plain



Attractive Shoreline



Degraded Shoreland



Mid-Hudson Historic Shorelands
Scenic District



N.Y.S. Scenic Roads System

SCENIC ZONE

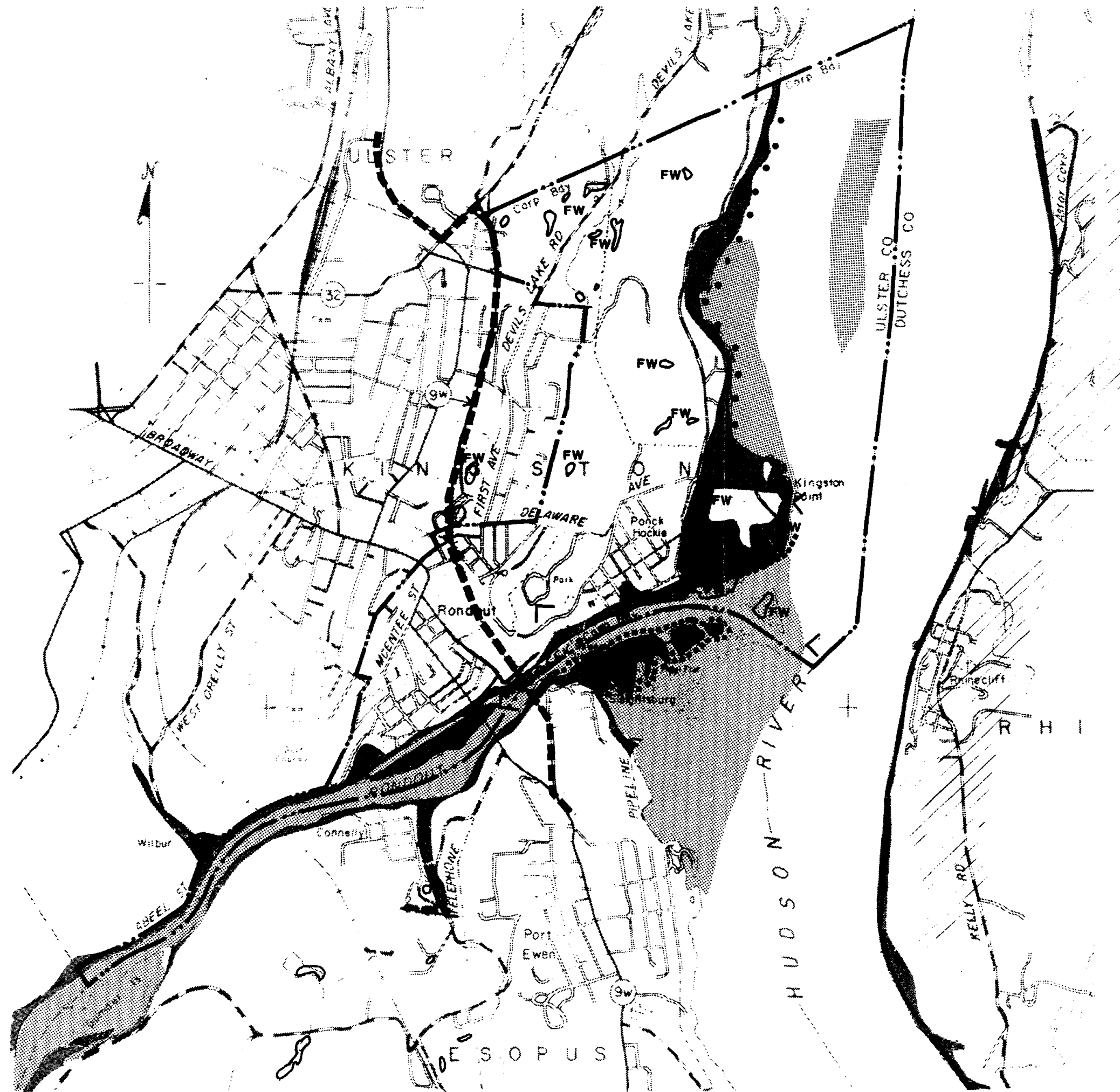


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



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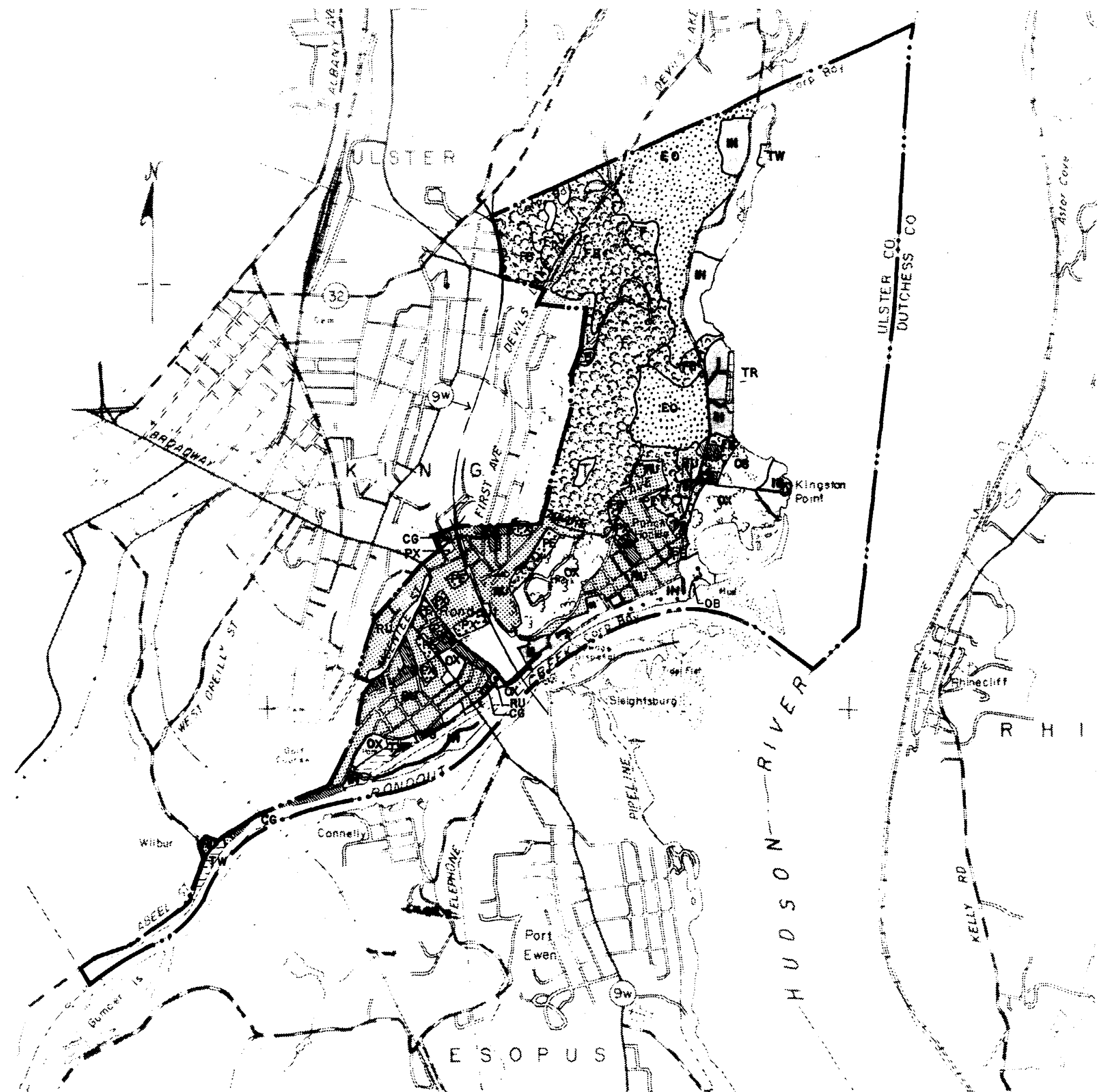
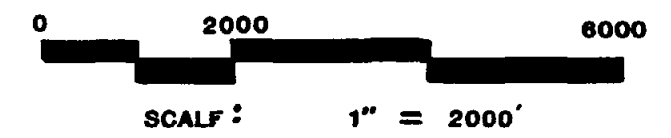


KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

EXISTING LAND AND WATER USES

LEGEND

	FOREST	
	Forest Land	F
	Forest Brushland	FB
	RESIDENTIAL	
	Urban	RU
	COMMERCIAL	
	General Commercial	CG
	PUBLIC & SEMI-PUBLIC INSTITUTIONS & FACILITIES	
	Educational	PE
	Other	PX
	INDUSTRIAL	
	Light	IL
	Heavy	IH
	Oil & Gas Storage	IS
	EXTRACTIVE	
	Open Pit & Quarries	EO
	TRANSPORTATION	
	Railway Facilities	TR
	Water Transport Facilities	TW
	RECREATION	
	Beaches & Pools	OS
	Marinas & Boat Launching Sites	OB
	Other Recreational Uses	OX
	VACANT	



D. LAND USE

Land use within the City's coastal area is highly diversified, partly as a result of topography and partly as a result of the community's changing economy.

1. Forest

Topographic conditions have made development of certain portions of the Hudson River waterfront prohibitive. Where sufficient soil and subsurface drainage exist, these areas have become heavily forested. Where natural bedrock or previous mining activities create unfavorable conditions, little or no vegetation exists.

These undeveloped, forested lands have historically functioned as buffers separating residential neighborhoods from incompatible uses such as quarries. They also protect views from the Hudson River and could be used to buffer visually unattractive uses from developed and/or visually sensitive areas. New uses which constitute a negative visual element could be similarly screened with vegetation. The degree and nature of the screening should be determined during site plan review, taking into consideration visual impacts upon views from the Hudson River and the Hudson River Shorelands Scenic District on the east bank of the River.

The future use of these lands is an issue which is addressed in Kingston's Local Waterfront Revitalization Program, both by the establishment of policies (Policies 16, 17, 23, and 25) designed to protect them from inappropriate development and by initiatives proposed in the Program involving the possible use of some of these lands to buffer scrapyards relocated from their current locations along portions of the Rondout Creek.

2. Residential

A significant portion of land within Kingston's coastal area is and has historically been devoted to residential development. Residential use is particularly evident along Rondout Creek where strong neighborhoods developed to house those who worked in the river port and for related industry such as the Hutton Brick Yard.

Today, the two most significant neighborhoods within the coastal area are Rondout and Ponckhockie. The former, now an historic district, relates directly to Lower Broadway and West Strand, once the nerve center of Rondout Landing river port. The latter, situated north of East Strand and west of Kingston Point, evolved in relation to the Hutton Brick Company. While different in character, both of these neighborhoods represent important opportunities for redevelopment. Together, they contain 38 vacant buildings, the highest concentration within the City's residential neighborhoods.

In recent years, the Rondout neighborhood has benefitted from concentrated revitalization efforts, most notably the complete restoration of the West Strand area. This activity has established a foundation upon which further redevelopment efforts can build. The institution of the Local Waterfront Revitalization Program at the same time an Urban Cultural Park is being established in this area will act as a strong, positive stimulus for further restoration of the Rondout neighborhood. The fact that this area has been designated as a national historic district means that those who invest in these redevelopment efforts can benefit from tax incentives. These incentives will make the Rondout area even more attractive to potential developers.

The Ponckhockie neighborhood is smaller than Rondout. It contains no historic district and has fewer vacant buildings. Housing in this neighborhood is more modest, and density is lower. Though it lacks some of the advantages of the Rondout area, Ponckhockie has good potential for attracting redevelopment activity. Housing in this area is priced lower than in the Rondout district and is, therefore, within reach of some people who could not afford to buy property in the Rondout district.

As the Rondout neighborhood improves and as the waterfront itself is redeveloped, housing in the Ponckhockie neighborhood will become more attractive. Investors who foresee this trend will acquire property in this neighborhood before values increase. The City of Kingston is currently focusing residential rehabilitation programs in these neighborhoods as part of the Small Cities Program. The addition of the Urban Cultural Park and Local Waterfront Revitalization Program initiatives and the encouragement of celebrations, festivals, and other special events along the waterfront will continue to focus attention on the waterfront and its important role in the community's development. Among the policies to be established with the adoption of this Local Waterfront Revitalization Program, Policy 5 and its sub-policies specifically relate to the redevelopment of these residential neighborhoods in the waterfront area.

3. Commercial

Historically, Rondout was the hub of commercial activity for the entire waterfront. In recent times, however, commercial uses within the coastal area have been primarily neighborhood oriented. With the redevelopment of the West Strand-Lower Broadway area, however, commercial uses which will draw people from other parts of the community and beyond are again being established. These include restaurants, taverns, and specialty retail shops. As other sections of the waterfront are redeveloped, this trend can be expected to continue.

Commercial uses which relate directly to the waterfront include marinas and a wholesale fish market. A 1980 Economic Feasibility Study done by Cross Group,

Inc., of Matawan, New Jersey, identified a demand for additional boat slips along the Rondout Creek. The City's Local Waterfront Revitalization Program will encourage the expansion of marinas and marine-related uses along the waterfront.

In order to facilitate the development of the Rondout Creek Port area, navigational activity will also need to be studied. At present, sunken barges and other vessels hinder maneuvering within the Rondout Creek in several locations. These vessels also create fish habitat and are, in some cases, archaeological resources.

The proper development of Rondout Harbor will require a harbor management study to effectively consider all issues related to the Rondout Creek, such as land use, recreation, and natural and historic resources.

4. Public and Semi-Public Institutions and Facilities

The institutions and public facilities within the coastal area include many which relate to the area's strong residential character. Churches represent the most prevalent category of such institutions. These churches play an important role both architecturally and socially within the Rondout and Ponckhockie neighborhoods.

Two museums, the Maritime and Trolley Museums, are also located within the coastal area. The Maritime Museum, which contains exhibits on the Hudson River, recently took possession of the Kingston Point Lighthouse and plans to continue restoration in cooperation with the City. The Kingston Point Lighthouse has been substantially restored and is open to the public, however, additional restoration work is needed and planned. The City leases space at the Maritime Museum for use as a waterfront visitors' center. In addition to maintaining exhibits, the Trolley Museum operates tours along the waterfront to Kingston Point using once-abandoned railroad tracks. These facilities work in conjunction with the commercial uses discussed earlier to enhance the waterfront area and enrich the quality of social and cultural opportunities available there.

City Hall is located in the coastal area just off Lower Broadway. This makes a range of public services including information, records, and public safety easily accessible to the more developed sections of the waterfront and represents an additional convenience for people in the area.

Finally, a boys' home is also located in the Ponckhockie area of the coastal area.

5. Industrial

Historically, Kingston's waterfront has been heavily used for industrial purposes. The Hutton Brick Company, Cornell Steamship Company shops, Millen Steel, Forst Packing, S & WB Fitch Bluestone Company Office Building, Island Dock, Feeney's Boatyard, and the quarries along the Hudson River shore remain as evidence of a once-thriving industrial complex. Changing economic conditions have resulted in the abandonment of some of these historic industries and the refocusing of others. The cement and brick companies which once flourished along the Hudson River have been abandoned, leaving empty buildings, deteriorated equipment, and vacant land.

A major meat packing industry once occupied the massive Forst Plant located on Abeel Street west of Wurts Street. A major local employer in the 1940's, the facility became inefficient due to rapid technological changes, transportation, shifts, and regulations placed on the industry. The building was foreclosed by the City and sold to a developer proposing office and residential reuse.

Kingston's waterfront is the site of several gas terminals. Central Hudson Gas and Electric and KOSCO, Heritage Oil each have major facilities including gasoline terminals and large storage tanks. These facilities are located on the north shore of Rondout Creek between Kingston Point and the Cornell Steamship Company Shops.

Recently, a number of abandoned Heritage Oil tanks were sold to a waterfront scrap yard for salvage. Both the Local Waterfront Revitalization Program and Urban Cultural Park Management Plan encourage the ultimate removal of remaining oil storage tanks. This, however, is a long-term proposition which, like scrapyard relocation, will become feasible only as development in other areas of the waterfront reaches a point where the costs associated with these changes will become feasible and where the potential for replacing these existing uses with more appropriate ones becomes a reality.

Feeney's Boatyard at Wilbur Avenue is the last remnant of a once-flourishing shipbuilding industry along the Rondout. A boat building and repair company has been established near the West Strand area in the Maritime Museum building.

Scrapyards and automobile parts yards have been a part of the Kingston waterfront for a century. Of the three that exist today, only one utilizes water transportation. These uses occupy a great part of the waterfront area and detract from more water-related and tourist-related activities.

Steel fabrication is now being done in a large, former shipbuilding structure. Once related to the waterfront, this industry, having lost a market, has reoriented its activity to other types of manufacturing.

Small construction companies have also located along the waterfront. Zoning in this area and an industrially-oriented history created the acceptance of trucks and machinery not necessarily related to the waterfront.

A concrete block company now occupies historic Island Dock. This company uses this historic site to store machinery, blocks, and miscellaneous equipment, as well as for dumping construction rubble.

These industries, although important to Kingston in terms of the tax base they represent, are not water-dependent and, in many cases, detract from other, more appropriate uses which might otherwise expand and flourish along the waterfront.

The policies contained and the initiatives proposed in the Local Waterfront Revitalization Program are geared to prevent the further deterioration of the waterfront, reverse the trend of undesirable and inappropriate uses, and encourage the relocation or modification of those inappropriate uses which do exist. Specifically, these plans call for the ultimate removal of scrap and junkyards from the waterfront and for the redevelopment of Island Dock to a use more compatible with its historic significance and proximity to the Rondout Historic District and recently-developed West Strand Area.

6. Extractive

The extraction of stone from the coastal area was once part of a major industry in Kingston. Today this activity is minimal.

Vast areas of rock floor and high walls have been left as a result of former extractive activity. Many of these quarry bottoms are somewhat hidden. These quarry areas represent possible relocation sites for some of the visually unattractive industrial uses (scrap and junkyards) which currently occupy portions of the waterfront.

7. Recreation

As industrial and commercial use of the City's waterfront have declined, recreational use has expanded. Marinas, parks, museums, and the waterways (Hudson River and Rondout Creek) themselves provide a range of recreation opportunities.

Parks located within the coastal area include Kingston Point, Hasbrouck, Block, and West Strand Parks.

Kingston Point Park, the largest of these, includes a beach, playfields, play equipment, a major wetland area, and a railroad spur which leads to a former day liner dock site. The park has recently undergone extensive improvement as part

of a Master Plan developed for the City by Reimann-Buechner Partnership of Syracuse, New York. Further improvements are contemplated under future stages of implementation including the construction of a multipurpose recreation building, tennis courts, a trail system, and the possible development of an outdoor amphitheater and new day liner dock. The park Master Plan also calls for improvement of a boat launch adjacent to the beach. This is the only public boat launch which currently exists within the coastal area. While the Local Waterfront Revitalization Program contains no specific plans for additional public boat launches, the need for such facilities should be reevaluated from time to time as waterfront revitalization progresses.






Hasbrouck Park is situated on a hill overlooking Ponckhockie. The park contains playfields, a picnic shelter, and a deteriorated recreation building. It is primarily oriented toward neighborhood use. The park's southern edge commands a spectacular view of the Hudson River, Rondout Creek, and a significant portion of the coastal area. As public improvements are made in conjunction with the Local Waterfront Revitalization Program and Urban Cultural Park Program, this overlook should be developed for broader use.

Block Park, also used principally as a neighborhood park, contains playfields, a picnic shelter, and miscellaneous play equipment including a ball wall and go-cart track. The park is located just off Abeel Street near the entrance to Island Dock. It is separated from Rondout Creek by only a narrow, privately-owned parcel of land. General improvements are proposed for the park in keeping with its recreational use.

West Strand Park is located on the water just south of where Broadway intersects with West/East Strand. This waterfront park includes a plaza and a public dock which can accommodate fairly large vessels including day liners. The character of this space, its relationship to revitalized commercial uses, and proximity to the Maritime Museum make it a focal point for festivals, special events, and a high level of use.

The existence of these attractions and the recently-improved dock have resulted in renewed interest in day liner activity at this location. These excursions, once extremely popular, are expected to attract tourists from New York City and other parts of the State to the waterfront area for shopping, sightseeing, and other recreation.

LEGEND

	Corp. Boundary
	Coastal Boundary
	Centerline of Hudson River
	Water Dependent or Enhanced Uses
	Underutilized, Abandoned or Deteriorated Shoreline

Corp. Boundary

Coastal Boundary

Centerline of Hudson River

Water Dependent or Enhanced Uses

Underutilized, Abandoned or Deteriorated Shoreline



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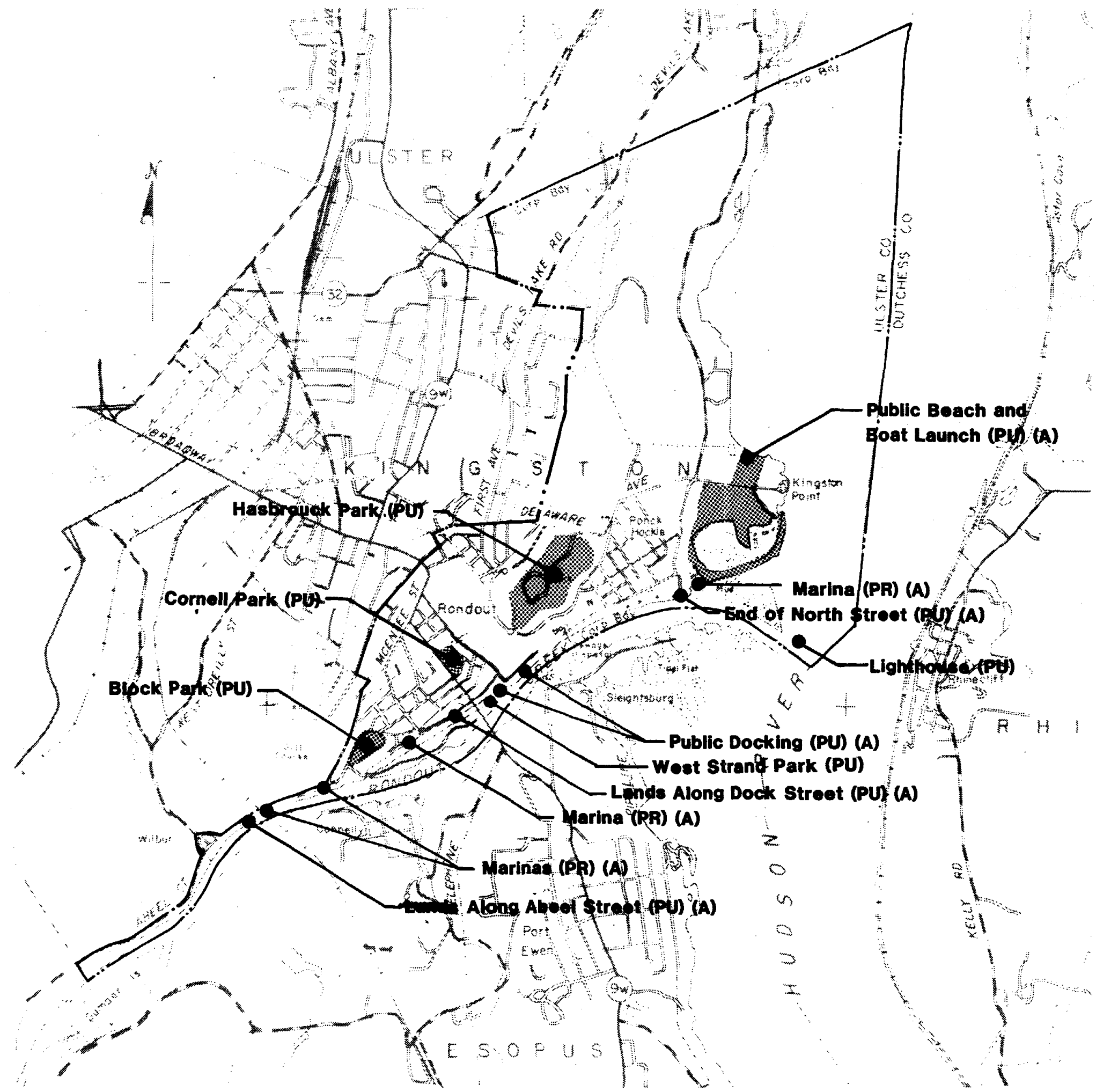
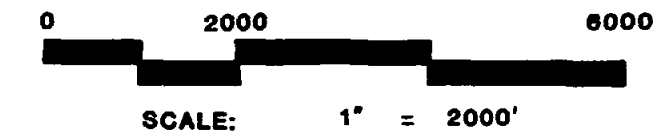
KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

RECREATION and ACCESS

LEGEND

- Corp. Boundary
- Coastal Boundary
- Centerline of Hudson River

- (PU) Public
- (PR) Private
- (A) Access



Hudson River Cruises, Inc., of New Paltz, New York, operates a tour boat service from Rondout Landing which carries passengers up the Rondout to Eddyville and along the near reaches of the Hudson River. Additional boat tours are operated by the Maritime Museum and Clearwater Organization in conjunction with waterfront events like the Shad and Pumpkin Festivals.

Marinas provide another major recreation opportunity within Kingston's coastal area. Four such facilities are operated as private, commercial enterprises offering slips, storage, dockage, fuel, and other marine-related services. They also provide launching for trailered boats.

Museums provide yet another recreation opportunity within the waterfront area. In addition to regular exhibits and programs, both the Trolley Museum and the Hudson River Maritime Center offer recreational tours of the waterfront.

8. Public Access

The only points of unrestricted public access to the waterfront which currently exist within the coastal area are Kingston Point Park and West Strand Plaza. Boat launching is possible only at Kingston Point. Restricted public access to the water is possible at the Hudson River Maritime Center and all four commercial marinas.

Under initiatives planned in part of the Local Waterfront Revitalization Program and Urban Cultural Park, additional public access to the water will be created. One access point is proposed at the eastern tip of Island Dock. Another access area is proposed to include public docking and a boardwalk to extend along Rondout Creek from West Strand Plaza to the mouth of Rondout Creek. Still another opportunity for public access exists at the former day line dock located at Kingston Point.

While all these planned initiatives will do much to increase public access to the water within the coastal area, boat launching from public facilities will still be limited. As development of the waterfront progresses, additional possibilities for this kind of use may surface.

9. Utilities and Communications

The City of Kingston owns and operates a sewage treatment plant on the north side of East Strand east of the Trolley Museum. The facility is generally well maintained but obviously detracts from the ambience of this historic setting. The plant's negative impact on the Trolley Museum and nearby Hudson River Maritime Center is increasing as redevelopment of the waterfront continues. The City is currently seeking funds for additional screen planting to reduce the

treatment plant's intrusion on more attractive adjacent and nearby uses. The policy section of this document will reinforce these planned initiatives.

E. INFRASTRUCTURE

The existing infrastructure within the City's coastal area represents both problems and opportunities which have a bearing on the redevelopment of Kingston's waterfront.

At present, utilities on the Rondout waterfront area are underutilized. Business and industry in this area have declined during this century, and that trend has dramatically reduced the demand on utilities in this section of the City.

1. Water

The Kingston Water Department, established in 1895, is an autonomous and financially independent department of the City of Kingston. It is governed by a Board of Water Commissioners and each is appointed by the Mayor to a five-year term. The daily operation of the department is under the supervision of the Superintendent.

The water system consists of a series of upland reservoirs and transmission mains that supply the City's Edmund T. Cloonan Water Treatment Plant in the Town of Woodstock. This facility, an American Water Works Historic Landmark, was constructed in 1897; uses direct, in-line pressure filtration with alum coagulation, chlorination and calcium carbonate for pH adjustment. It has a nominal capacity of 8 million gallons per day (MGD) and produces, on average, 4 MGD. Approximately 100 miles of cast iron and ductile iron pipe comprise the distribution system which serves the City of Kingston and the IBM facility in the adjacent Town of Ulster. At present, there are about 8500 service connections and 1000 fire hydrants in the system. With the exception of 2 small high pressure districts, all flow from the City's reservoirs to the consumer's tap is by gravity.

The City's public water supply services most of the waterfront area. The area once occupied by the cement plant on the Hudson River is the only one not serviced by public water.

This availability of public water will be a positive factor in determining the feasibility and desirability of development projects of all types (industrial, commercial, residential) along the waterfront and within the coastal area.

2. Sanitary Sewer

The City of Kingston is served by municipal sanitary and storm sewers in the majority of its area. The sewage treatment plant currently has a capacity of 4.8

MGD and improvements are currently underway to increase this to 6.0 MGD. In addition, the City conducts a federally mandated pre-treatment program to monitor specific users for discharge of pollutants into the sanitary system.

Most of the Kingston waterfront along the Rondout is serviced by sanitary sewers. The City is continually upgrading the sanitary sewer system and has been concentrating on renewal areas such as the Rondout, West Strand, and Ponckhockie neighborhoods.

Originally a combined sanitary and storm system was built in Kingston. The City is now in the process of separating these two lines. Currently, pollutants are discharged into the Rondout Creek during heavy rainstorms when storm runoff generates flows which exceed the capacity of the sewage treatment plant. Continued separation of these two systems will reduce frequency of this discharge and eventually eliminate it.

As part of a program to upgrade its sanitary sewer system and eliminate pollution of the Rondout Creek, the City has completed projects to correct situations where direct sewage discharge had occurred at the following locations:

- Wilbur Avenue
- North Street/East Strand area
- Hudson Street
- Block Park
- The sewage treatment plant area

3. Solid Waste Treatment

There are no active landfills within the City of Kingston's waterfront area. Solid wastes are disposed of outside the coastal area and City corporate limits.

4. Storm Drainage

As the sanitary sewer system is improved, the storm drainage system will be as well. Currently, the City has a combined sanitary-storm system. As improvements in the overall system are made, sanitary and storm systems will be separated.

The Rondout Creek waterfront is also serviced by a storm drainage system in the same general areas serviced by the sanitary system. As the sanitary sewer system is improved, the storm system will be as well. Areas not serviced by storm sewers, such as the Wilbur Avenue area and the Hudson River, utilize natural drainage channels and runoff patterns.

5. Transportation

Kingston's waterfront area is accessible via an interconnecting network of local streets, state highways, and the interstate system. N.Y. Route 9W crosses the Rondout Creek at Kingston. This portion of 9W is part of the proposed Scenic Roads System for the Hudson Valley. The City of Kingston supports this program and has participated in discussions regarding its development. The City Council has also passed a resolution expressing this support.

Three bridges span the Rondout within Kingston's coastal area. They include the West Shore railroad trestle, Port Ewen Suspension Bridge, and the new Route 9W bridge.

The Rondout waterfront is easily accessible to motor vehicles via city streets and highways. Abeel Street, which intersects with New York State Route 213 at Wilbur Avenue, closely parallels the waterfront for much of its length. Dock Street, West Strand, and East Strand connect with Abeel Street to form a continual route for the entire length of the City's waterfront between Wilbur and Kingston Point. This east-west street system connects with north-south routes including Wilbur Avenue (New York State Route 213) and Broadway. These routes, in turn, connect with other regional transportation routes including New York State Routes 32 and 28 and N.Y. Route 9W. Route 9W also connects with the New York State Thruway, part of the nation's interstate highway system.

The waterfront's accessibility via streets and highways will function as a positive factor in encouraging use of the area by residents and tourists alike,

Parking on the Rondout waterfront is becoming a problem. Plans have been prepared for the development of additional parking facilities and the expansion of an existing parking lot at the west end of West Strand Park, as follows:

- East Strand beneath Route 9W bridge
100 spaces on the north side
- Corner of Post and Union Streets 24 spaces
- property cost - construction
- West end of West Strand Park
60 spaces
- Corner of Hunter and Post Streets 24 spaces
- property - construction
- East Strand east of Route 9W bridge
100 spaces

Under the Kingston Urban Cultural Park plan, a route will be designated linking the Rondout Waterfront area with other areas in the City. During the early phases of the Urban Cultural Park's development, the Park's primary and secondary vehicle circulation systems will also be utilized as bike routes. As the Park develops and funds become available, the possibility of constructing a separate system of bikeways will be studied.

F. AESTHETIC ENVIRONMENT

Extreme variations in aesthetic quality exist within Kingston's coastal area. They range from highly attractive spaces like the newly redeveloped West Strand area to partially-restored sections of the Rondout historic district to deteriorated residential areas along Abeel Street near Block Park to scrapyards and oil tank farms along East Strand. These conditions represent opportunities and challenges which must be addressed within the context of the waterfront revitalization effort.

1. National Register of Historic Places

Kingston's coastal area played a major role in the City's growth and development. The Rondout Historic District, listed on the National Register of Historic Places, lies wholly within the coastal area. A portion of the recently designated Chestnut Historic District also lies within the coastal area as do a number of individual landmarks. See Cultural Resources section, II-G.

2. Scenic Overlooks

The State has not yet identified any "Scenic Areas of Statewide Significance" in or around Kingston. However, a number of scenic vistas do exist within the coastal area which are significant.

Hasbrouck Park commands a panoramic view of much of the coastal area including the Rondout Creek as far inland as Island Dock and a portion of the Hudson River. This view also encompasses Kingston Point and an attractive portion of Esopus across Rondout Creek characterized by wooded slopes and residential development.

Other significant vistas and views include those which may be seen from Kingston Point, the Kingston Point Lighthouse, the tip of Island Dock, and the Port Ewen Suspension Bridge.

3. Rock Outcrops

Natural geologic formations combined with the effects of former mining activity have resulted in dramatic cliffs and basins along much of the Hudson River

portion of the City's coastal area. The topographic changes created by mining operations have also resulted in ledges and terraces.

These features provide certain opportunities which relate to the waterfront's redevelopment. They can serve as buffers to conceal industrial uses (e.g., relocated scrapyards) from more attractive, developed areas and views from the Hudson River. They can be used to interpret both the area's geological and industrial history.

4. Shoreline

The current deteriorated condition of much of Kingston's shoreline detracts from the waterfront's natural and historic potential and does little to promote this part of the City as a recreation or potential industrial resource.

Portions of the Esopus shoreline are also in somewhat deteriorated condition. Though these areas are generally not as bad as those on the Kingston side of this waterway.

The Rondout 2 Lighthouse is a significant scenic element at the confluence of the Rondout Creek and the Hudson River. It is a landmark for travelers on the river, still serving as a navigational aid. Surrounded by the marshes and tidal flats of the Rondout Creek significant habitat, the structure is silhouetted against this open landscape and offers views from its windows of the habitat, the creek, the river and the eastern shore. The lighthouse is open to the public during the boating season. It is also visible from the Amtrak passenger trains.

Efforts are being made by the City of Kingston to improve the appearance of its shoreline. However, private sector participation and parallel initiatives by the Esopus community will be required to have any major impact on these conditions.

5. Scrapyards

The most aesthetically offensive land uses within Kingston's coastal area are the scrapyards along Rondout Creek. Efforts have been made to screen these uses from the highway, but none have been made to screen them from the waterway or railway. In some cases, stockpiled debris exceeds the height of the fencing, making the screening measures ineffective.

Policies contained in this document and initiatives proposed in both the Local Waterfront Revitalization Program and Urban Cultural Park Management Plan are aimed at correcting this situation.

6. Abandoned Buildings

As industry along Kingston's waterfront declined, a large number of buildings were left abandoned by a dwindling economy which was unable to absorb them for other uses. These skeletal structures have deteriorated further and now constitute blighting influences.

The revitalization of the West Strand area is the most recent example of current efforts to begin to adaptively reuse abandoned waterfront buildings. Two major facilities, Forst Packing and the Hutton Brick Yard, are now in the hands of a developer. This individual has expressed an interest in developing these two sites. However, while various possible uses have been mentioned, no concrete plans have been presented to date. The development of these and other abandoned sites will be encouraged as part of an overall waterfront revitalization effort.

7. Abandoned Barges

Rondout Creek has become the depository for a number of abandoned river barges. These deteriorating vessel hulls present artifacts which might be used for interpretive purposes. They also provide for fish habitat. These two positive influences, however, are countered by the blighting effects which these barges have on adjacent development, and the restriction of boating activity.

8. Scenic Zone

Kingston's Hudson River waterfront is opposite the Mid-Hudson (Dutchess County) Historic Shorelands Scenic District. This is the first such designation which has been made under Article 49 of the Environmental Conservation Law.

As part of this designation, a "scenic zone" in Kingston was identified (see Sheet No. 3, Natural Resources Inventory). This zone encompasses the middle ground of views seen from the district. The development character of the scenic zone is critical to the continued scenic quality of the district. The visual quality of this area is also significant to the quality of views from the district. The horizon line is especially striking from the higher elevations on the eastern side of the district in Dutchess County, as on the State-maintained road system (NY Routes 9 and 9G). It is from these heights that the district's setting is comprehensively displayed, and often experienced by travelers. It should be remembered, however, that development in the scenic zone is at a significant distance from Dutchess County viewing sites, and will have little visual impact on the character of western views except for instances of large-scale development.

The juncture of the Rondout Creek and the Hudson River also lies within the Scenic Zone of the Mid-Hudson Historic Shorelands Scenic District. The Scenic

Zone defines an area within which new development could adversely impact the quality of the western viewshed of the Scenic District. The Zone boundary lies 2,000 feet west of the high tide line on the west bank of the Hudson River. In the Management Plan for the Scenic District the Strand and Kingston Point are described as visual features of the riverscape that contribute significantly to the district's scenic quality from wherever they are seen (p.36, The Mid-Hudson Historic Shorelands Scenic District Management Plan).

The Mid-Hudson Historic Shorelands Scenic District is a candidate area for designation as a Scenic Area of Statewide Significance under Article 42 of the Executive Law. The waterfront area, from Kingston Point to Sleightsburg, was found to be of regional significance in the 1989 survey of scenic resources in the Hudson Valley conducted by the NYS Department of State.

An effective water revitalization program must capitalize on the positive aesthetic elements described above and eliminate the negative elements or minimize their negative impact on the overall waterfront environment.

G. CULTURAL RESOURCES

Many of the cultural resources which are located within the City's coastal area are mentioned elsewhere in this document. The inventory which appears below is presented to make this information more coherent and easily accessible.

1. Architectural Resources

The following historic districts and landmarks, located within the City's coastal area, are listed on the National Register of Historic Places:

- a. Rondout/West Strand Historic District: An area of National Register properties, ca. 1825.
- b. Part of the Chestnut Street Historic District: An area of late 19th-century National Register properties.
- c. Cornell Steamship Shops: This National Register property represents one of the major 19th-century industries in the area.
- d. Port Ewen Suspension Bridge:
- e. Rondout Lighthouse: Ca. 1915, located off Kingston Point (identified as Kingston Point Lighthouse on Sheet No. 7).

- f. S. & W.B. Fitch Bluestone Headquarters: This Kingston-designated landmark, now a residence, once served as the office of a leading local industry.

The following historic structures are City landmarks of importance to the history of Kingston and the development of industry on the Hudson River:

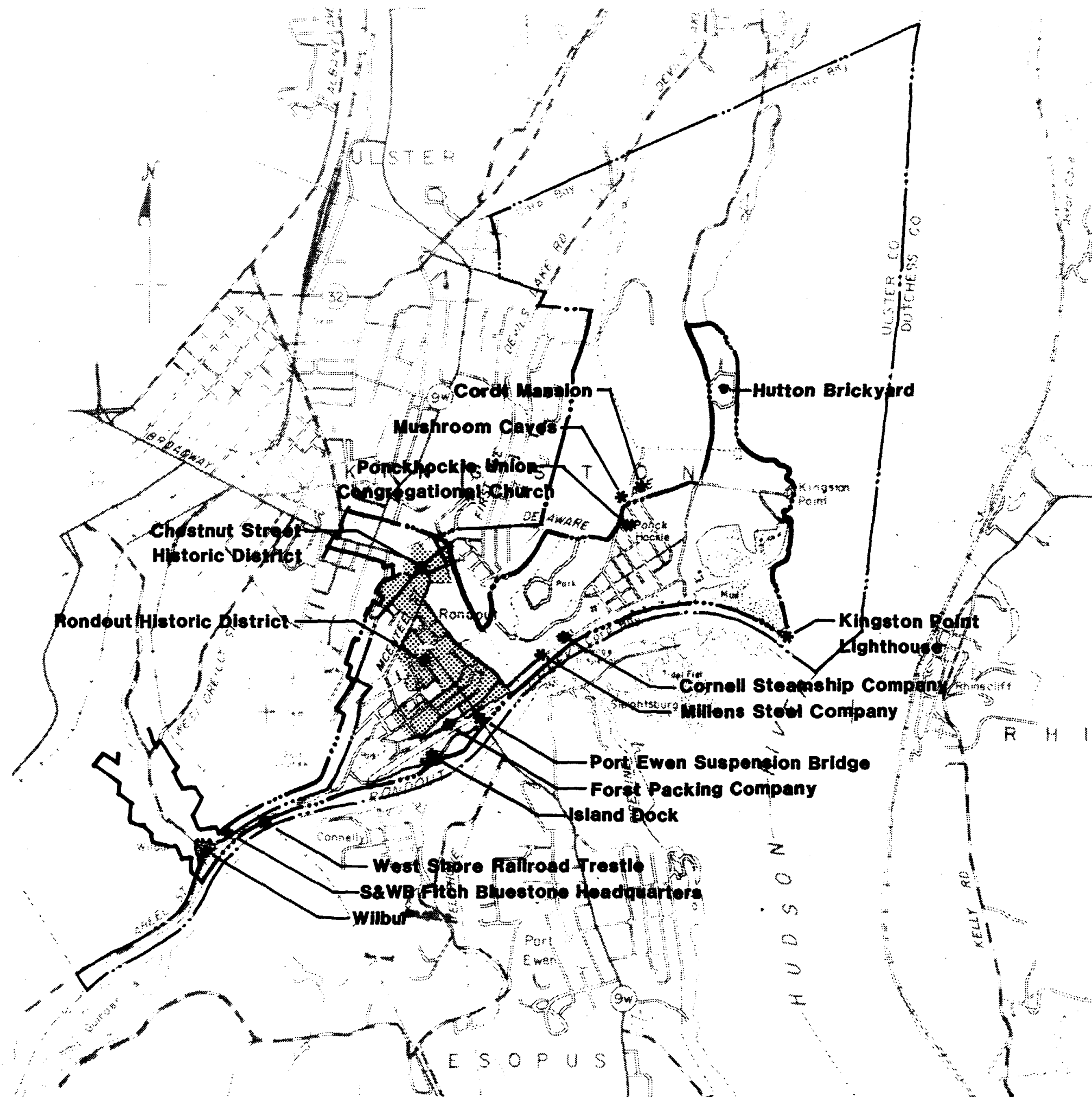
- a. Wilbur Neighborhood: Distinctive waterfront community.
- b. West Shore Railroad Trestle: Ca. 1895, this trestle continues to provide major rail service in the region.
- c. Island Dock: A man-made island in the Rondout Creek, originally designed for the transfer of coal.
- d. Forst Packing Company: Located on Abeel Street, this large industry declined with the increased use of highways for shipment and institution of environmental controls.
- e. Millens Steel Building: Ca. 1870, originally a boiler shop for the shipbuilding industry.
- f. Ponckhockie Union Congregational Church: A cast-concrete, late 19th-century structure.

KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

HISTORIC RESOURCES

LEGEND

- Corp. Boundary
- Coastal Boundary
- Centerline of Hudson River
- Historic Districts
- Kingston Urban Cultural Park Boundary
- * Landmarks Outside Historic Districts
- AREA COMMON TO UCP & LWRP



0 2000 6000
SCALE: 1" = 2000'



DATE: 10/16/85 SHEET NO. 7

- g. Mushroom Caves: A series of limestone quarries, ca. 1870, later used for mushroom cultivation.
- h. Cordst Mansion: Late 19th-century estate.
- i. Hutton Brickyard: One of two remaining functioning brickyards on the Hudson River, this facility dates to pre-Civil War days.
- j. Limekiln: A stone structure of probable 19th-century origin used for processing limestone into lime for mortar. This is an archaeological as well as structural resource.

2. Archaeological Resources

New York State Department of Environmental Conservation files indicate that several prehistoric and historic archaeological sites have been recorded in the Kingston area. These resources are listed below:

- a. Prehistoric Site: A prehistoric occupation site of unknown date located along Rondout Creek near the New York Central Railroad tracks.
- b. Prehistoric Site: A Late Archaic Period site (ca 3000-1000 BC) located in the northeastern area of the City of Kingston.
- c. Brigham Cement Works/Brickyard: Late 19th and early 20th-Century industrial complex located in the East Kingston area.
- d. Site of the Mary Powell: This is an underwater archaeological site. The location of a sidewheel steamboat built in 1861 and last used in 1917. The remains of this vessel are located in Rondout Creek adjacent to the Rondout area of Kingston.

H. URBAN CULTURAL PARK

The Urban Cultural Park (UCP) Program and Urban Cultural Park Management Plan are referred to throughout this document. Kingston is one of 13 designated Urban Cultural Parks. This program was created by the New York State Legislature in 1977 and is administered by the Office of Parks, Recreation, and Historic Preservation.

Its purpose is to establish a statewide system of historical areas having special social or cultural significance which would become part of a revitalization process designed to accomplish four basic goals: preservation, education, recreation, and economic development. Each of these special areas would also illustrate one or more themes that traced some important dimension of New York State history, growth, and development.

The Urban Cultural Park program is seen by the State as a vehicle for attracting private investment in urban revitalization and for promotion an awareness of the State's rich cultural heritage and an interest in preserving significant environmental features which are symbols of that heritage.

Kingston's Urban Cultural Park consists of two areas connected by corridors. One of these areas is the Stockade District. The other is the Rondout waterfront area. Much of the latter area coincides with the Local Waterfront Revitalization Program coastal area. It extends from Wilbur to Kingston Point and encompasses almost all of the coastal area, the exception being that portion of the area which lies north of the former Hutton Brick Company along the Hudson River.

Urban Cultural Park programs will be coordinated out of a Visitors Center housed in the Masten House, a landmark property located on Clinton Avenue opposite the Senate House Historic Site. The Hudson River Maritime Center will function temporarily as a secondary Visitors Center. As the Rondout area develops, a second major visitors center, concentrating on the themes related to the waterfront, will be established in the West Strand area. In addition, West Strand Plaza will become the Urban Cultural Park's first outdoor interpretive center. The revitalization of the West Strand area was one of the early action projects under the Urban Cultural Park program. The other was the redevelopment of Kingston Point Park, which is also located within the coastal area.

Both the State and City see Kingston's Urban Cultural Park and Local Waterfront Revitalization Program as being related and as working closely with one another. In fact the Urban Cultural Park Commission also functions as the Local Waterfront Revitalization Program Advisory Board.

The primary theme of Kingston's Urban Cultural Park is transportation. The waterfront area and water-based transportation are important elements of the Urban Cultural Park and this primary theme.

Efforts undertaken in conjunction with the Urban Cultural Park Program will contribute significantly to the overall revitalization of the waterfront area.

I. SUMMARY

The analysis of existing conditions in Kingston's coastal area and discussions with local residents, groups and city officials have resulted in the identification of issues and concerns as well as opportunities to be addressed in the Kingston Local Waterfront Program. These issues and opportunities have been organized by categories that relate to the coastal policies (see Section III). Areas of concern in the City of Kingston include Land Use and Development; Fish and Wildlife; Flooding and Erosion Control; Public Access and Recreation; Historic and Scenic Qualities; and Water and Air Resources.

1. LAND USE AND DEVELOPMENT

a. Underutilized Properties

The City of Kingston was once a major port and industrial center. Today these industries are deserted, and many acres of land along the Hudson River, Island Dock, the Forst Packing Plant and the Hutton Brickyard are underutilized or vacant. Buildings associated with these industries are in very poor condition, partially demolished or inappropriate for modern reuse.

These abandoned properties do, however, provide an opportunity to redevelop Kingston's coastal area with water-dependent and -enhanced uses in a manner consistent with today's demands. Other land left vacant by these industries along the Hudson (i.e., the quarries), although difficult to develop, provide an opportunity to relocate non-water-dependent uses currently on the waterfront or uses which detract from the aesthetic or land use standards established for shoreline areas.

b. Inappropriate Uses

With the decline of Kingston as a major port, water-dependent uses closed and coastal land became inexpensive. Non-water-dependent uses, such as construction companies and scrap yards (uses which were undesirable in more residential or successful commercial areas), began to locate within the coastal area. These uses are not compatible with the current trend toward recreation-oriented development on the Rondout.

Also, certain water-dependent uses which may have been appropriate to industrial/commercial port activities may not be compatible with new recreation facilities. The relocation or reorientation of these non-water-related uses is pertinent to the revitalization of Kingston's waterfront.

As property values along the creek increase, it will become financially feasible to relocate inappropriate uses and revitalize the Rondout waterfront to its fullest potential. In the course of this revitalization, uses which are dependent on the waterfront and docking facilities should be encouraged to expand and develop. More traditional activities for small harbors and the tourist/ boating recreation industry will support the growth of the Rondout as a port.

c. Revitalization of Wilbur, Ponckhockie, and Rondout Neighborhoods

Residential uses were, historically, integral to the development of Kingston's waterfront. As the waterfront declined, the residential patterns changed and many buildings which were once owner-occupied became rental properties and subsequently fell into disrepair or became vacant.

Today there is renewed interest in these neighborhoods, and revitalization efforts are underway. It is important that rehabilitation efforts respect the historical and architectural heritage which is evident in these three waterfront neighborhoods.

d. **Utilities**

The utilities necessary to support development are not available along the Hudson River Waterfront; therefore, activities requiring extensive water and sewer services will be limited to the Rondout area for the foreseeable future. The decline of industry has left water and sewer services underutilized in the Rondout waterfront area.

Once the Rondout waterfront is substantially revitalized, attention will turn to the Hudson River as the next opportunity for coastal development. At that time it may also be more financially feasible to invest in the extension of adequate sewer and water to develop this area.

e. **Rondout Port Development**

As the Rondout waterfront continues to develop as a recreational port, increased boating activity will begin to hinder navigation. The numbers of boats and the varying sizes of boats (from small fishing vessels to large tour boats and dayliners) will need to be accommodated by private marinas and public docking. Adequate space for navigational channels must be provided, as well as docking and storage space and access to other services and business along the shore.

Sunken barges pose a navigational hazard and create a blighting influence on the Rondout community. They also provide habitat for fish and in some cases are archaeologically sensitive. The removal of these barges and other sunken vessels would permit better navigation of the Rondout Creek but might eliminate fish habitat or destroy archaeological resources.

2. **FISH AND WILDLIFE**

a. **Wetland Areas and Wildlife Habitat**

The development of Kingston's port may impact on the wildlife habitats in Kingston's coastal area. The Kingston Marsh and Rondout Creek areas should be protected from activities associated with development in the Rondout which might create chemical damage from oil spills or nutrients, or physical damage from sedimentation, construction or dredging.

b. **Spawning Grounds of the Rondout Creek**

The Rondout Creek is a spawning ground for alewife, smelt, blueback herring, white perch, tom cod, striped bass and American shad. Other fish species also use the Rondout during the year as part of their habitat. The activities of the port, including dredging, could impact the viability of the Rondout as a fish habitat.

3. **FLOODING AND EROSION CONTROL**

a. **Flooding**

Flooding along the Hudson River is not a hazard at this time because of the lack of development and the rise in grade within a short distance of the shoreline. The Rondout Creek waterfront is characterized by lower elevations and flatter lands rising more gently. During high tides, storm water outlets are covered from storms which occur during this period and water backs up and flows from inland catch basins and manholes in the Rondout waterfront neighborhoods.

b. **Bulkheads**

Erosion and subsequent siltation occur primarily along the Rondout Creek. Scouring of the creek banks and severe deterioration of the bulkheads is a major problem. Continued neglect could result in loss of property and has resulted in the need to dredge the Rondout more frequently to maintain adequate water depth for boating and docking activities.

4. **PUBLIC ACCESS/RECREATION**

a. **Public Access**

Public access is important to the success of Kingston's waterfront. As private investment continues to develop the waterfront, public access may decline. Public action must continue to expand public access; however, private development must also be encouraged to provide public access (both visual and physical).

b. **Kingston Point Lighthouse**

The Lighthouse of Kingston Point has been substantially rehabilitated and is open to the public and is used as a museum. It is accessible only by boat. The Lighthouse is attached to the mainland by a dike which has severely deteriorated. The reconstruction of this dike structure will provide pedestrian access to the Lighthouse as well as serve as a fishing pier.

c. **The Kingston Urban Cultural Park**

The Urban Cultural Park Plan recently adopted by the City of Kingston utilizes the coastal area as a major interpretive and recreational asset. The plan includes the Kingston Lighthouse and pier, Kingston Point Park, the Maritime Museum, Trolley Museum, Block Park, Island Dock Park, and Hasbrouck Park. Restoration and development of these areas and landmarks will not only support the Urban Cultural Park Plan but will assist the revitalization of Kingston's waterfront as well.

d. **Conflicting Recreational Uses**

As waterfront activities increase, certain recreational activities which have historically existed may conflict with new activities. Hunting is an activity presently enjoyed, especially in the Kingston Marsh area. The continuance of these kinds of activities should be considered in any plans for the revitalization of Kingston's coastal area.

5. **HISTORIC AND SCENIC QUALITIES**

a. **Historic Districts and Landmarks**

The revitalization of the Kingston coastal area will generate the rehabilitation of existing historic and architecturally significant buildings. This reconstruction could impact negatively on the historic integrity of these buildings. These important resources must be placed on the National Register of Historic Places and their rehabilitation should be accomplished under Department of Interior standards. The loss of this historic and architectural heritage could have negative impacts on the revitalization of the Kingston coastal area.

b. **Archaeological Resources**

The removal or destruction of archaeological resources could occur during revitalization efforts. The removal of sunken barges and other vessels to accommodate navigation in the Rondout Creek Port should be studied to insure against the loss of archaeological resources. Redevelopment of shoreland properties should also consider archaeological resources as part of the planning and design phases.

c. **Visual Resources**

The preservation of Kingston's scenic qualities and vistas is important to the development of tourism and the revitalization of the coastal area.

Kingston's Hudson River waterfront is opposite the Mid-Hudson Historic Shorelands Scenic District, designated under Article 49 of the Environmental Conservation Law, and as such it has been identified as a scenic zone of the Scenic District, highly visible from the District. The rock outcrops and natural scenic qualities of the Hudson River are major assets to Kingston's waterfront. The eastern shore has also been identified as a candidate Scenic Area of State-wide Significance for designation under Article 42 of the Executive Law.

Hasbrouck Park and other highland areas provide excellent views of the Rondout Creek waterfront and port areas, as well as views of the Hudson River. Recent removals of oil tanks have improved the picturesque quality of these views.

The most aesthetically offensive land use in the Kingston waterfront are the scrapyards. These uses are visible not only from the street but from the Rondout Creek and the rail line which is used by the Trolley Museum. Efforts should be made to screen and eventually remove these uses from the waterfront, since major efforts are being made to attract visitors to this area.

Abandoned properties create an image of failure and constitute a blighting influence. The adaptive reuse of these structures will have the reverse effect of encouraging further revitalization efforts.

The deterioration of the shoreline, including bulkheads and other structures, does little to promote an image of the City as a recreation center. The repair and stabilization of the shoreline will improve visual quality and support Kingston's long-range waterfront revitalization efforts.

6. WATER AND AIR RESOURCES

a. Combined Sanitary and Storm Sewer

There are areas within Kingston's coastal area which are serviced by a combined sanitary and storm sewer system. This problem results in periodic discharge of pollutants into Rondout Creek during storms when flow into the sewage treatment plant exceeds its capacity. Efforts should continue to separate these two systems and to minimize storm water runoff into the combined sewer lines.

b. Marine Discharge

Increased boat use on the Rondout will create more of a demand for marine discharge stations. The alternative is either to travel to another location which provides these facilities or to dump illegally into the Rondout Creek or Hudson River. The port area must provide adequate facilities for the discharge of wastes.

c. **Hazardous Material and Pollutants**

Scrapyards, oil tanks, and other commercial and industrial uses have long been an element of the Kingston waterfront. Some have been removed; however, protection of wetlands, wildlife and fish habitat, and development of tourism and recreation is of utmost importance. Water courses must be protected from potential hazardous materials as well.

Kingston's waterfront is a study in contrasts. Positive and negative, problems and opportunities, beauty and blight coexist within this relatively small area.

Capitalizing on the assets and exploring the possibilities are the challenges of a successful waterfront revitalization effort. The obstacles are substantial, but so is the potential.

Public policies must be established to protect the waterfront's natural and man-made resources. Programs must be formulated to stimulate private sector investment in the waterfront and encourage specific development initiatives.

This Local Waterfront Revitalization Program does both of these things. Together with the Urban Cultural Park, it will serve as a foundation for a waterfront renaissance.

The sections which follow establish specific policies and describe specific plans for accomplishing these goals.

SECTION III

LOCAL POLICIES AND APPLICABLE STATE POLICIES

DEVELOPMENT POLICIES

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

Explanation of Policy

State and Federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to business; establishment of enterprise zones, are all examples of governmental means for spurring economic growth. 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 once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

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 costs for 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 certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

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

1. When a Federal or State action is proposed to take place in an urban waterfront area regarded as suitable for development, the following guidelines will be used:
 - a. Priority should be given to uses which are dependent on allocation adjacent to the water;

- b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development;
 - c. The action should serve as a catalyst to private investment in the area;
 - d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline;
 - e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
 - f. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand;
 - g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner;
 - h. The action should have the potential to improve the potential for multiple uses of the site.
2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

POLICY 1A REDEVELOP THE FORMERLY INDUSTRIALIZED AND MINED AREAS OF THE HUDSON RIVER WATERFRONT TO INCLUDE WATER-DEPENDENT AND WATER-ENHANCED RECREATIONAL USES AND OTHER COMPATIBLE USES THAT WILL INCREASE PUBLIC ACCESS TO AND PUBLIC ENJOYMENT OF THIS AREA.

Explanation of Policy

The Hudson River waterfront has historically been an area characterized by heavy industry and rock quarries. These industries have declined and left this portion of the waterfront underutilized. These areas should be redeveloped for water-dependent and water-enhanced, recreational and other compatible uses that will increase public access to and public enjoyment of this area. Water-dependent uses should be encouraged to locate along the immediate waterfront, and development which is not water-dependent should be encouraged further inland. Where space permits, compatible recreation facilities should be introduced to make full use of the waterfront's potential.

The need for large petroleum storage facilities has been eliminated by changes in laws related to the reserves kept by private companies. The removal of these tanks is therefore possible without jeopardizing the petroleum industry along Kingston's Waterfront. Since this land is no longer required by the oil industry, other private or public activities which are water-dependent or enhanced will be encouraged to purchase this property as the demand for those new activities justifies its change of use.

Areas along the Hudson River to the south near Kingston Point have infrastructure which can be utilized by new development. Those areas farthest south are proposed to be developed more commercially and recreationally. The Hutton Brickyard is included in Kingston's Urban Cultural Park program as an interpretive hotel complex/restaurant/convention center.

As the Hudson River waterfront begins to redevelop, the City will extend additional services and improved roads to meet the increased demand of desirable uses in this area. See Policy 2A.

Deteriorated buildings in the Hudson River waterfront are anticipated to be reused by new owners. If structures are not appropriate to the needs of the development, and are not historically significant, it is anticipated that they will be demolished. Abandoned equipment along the Hudson River Waterfront will be removed by any new owners who desire to redevelop on those particular old industrial sites.

See Policy 25 for further guidance on how development should occur along the Hudson River Waterfront.

**POLICY 1B PROMOTE REPLACEMENT OF EXISTING USES WHICH
DETRACT FROM THE RONDOUT CREEK WATERFRONT AND
WHICH DISCOURAGE MORE APPROPRIATE DEVELOPMENT
IN THIS AREA.**

Explanation of Policy

Kingston recognizes the ongoing economic benefit to its citizens of continued maritime industry. However, certain existing, non-water-dependent uses such as manufacturing, scrap metal yards,

junkyards and tank farms should be encouraged to relocate to sites where they will not adversely affect other types of waterfront development. These uses should not be permitted to expand at their present location.

Existing uses involving outdoor storage of materials or the excavation or processing of materials, should be required to erect opaque fencing to screen such activities from view. Between the fencing and property line, waterfront, or street line, a row of trees should be planted no further apart than 25 feet on center, of a species whose height at maturity is at least 20 feet.

Further, the City and project sponsor are encouraged to enter into creative financing arrangements. Such arrangements may include tax increment financing, tax abatements, and/or use of the Kingston Revolving Loan Fund, but are not limited to these alternatives.

See Policy 5.

**POLICY 1C RESTORE AND REVITALIZE THE PREDOMINANTLY
RESIDENTIAL CHARACTER OF THE HISTORIC WILBUR AND
PONCKHOCKIE NEIGHBORHOODS.**

Explanation of Policy

The Wilbur neighborhood is a small, quaint area centered around the intersection of Abeel Street and Wilbur Avenue. This area is historically significant and is a major attraction in the Kingston Urban Cultural Park. Nestled between steepwooded slopes and the Rondout Creek, it provides a unique opportunity for revitalization and preservation efforts. The area has a high vacancy rate and includes commercial, as well as both single and multi-family residential uses.

The Wilbur neighborhood contains a striking bluestone structure currently used as a residence, as well as other historic buildings, some of which are vacant and deteriorated while others are in the process of rehabilitation. There are also mixed residential/commercial uses, which should be encouraged to remain, immediately adjacent to industrial uses along the river. Although industry in Wilbur is water-dependent, it is not necessarily compatible with residential and commercial activities there. Buffer plantings should be established along the east side of Abeel Street and along the property line of these industries.

The Ponckhockie neighborhood is situated between Hasbrouck Park and Kingston Point. It is predominantly residential in character and was originally the home of workers at the brick and cement companies on the Hudson River. The preservation and revitalization of this neighborhood is a high priority objective of the Urban Cultural Park. There are a number of vacant buildings which could be renovated for first-time younger homeowners or for older Kingston citizens as well.

Part of Ponckhockie has been designated as a preservation area by the Urban Cultural Park program. This area is generally bounded by the East Strand, Gill Street, North Street and Union Street. Preliminary investigations indicate a number of potential architecturally- or historically-significant buildings in this area.

See Policy 23 for guidelines for the rehabilitation of residential buildings.

**POLICY 1D RESTORE AND REVITALIZE THE MIXED RESIDENTIAL AND
SMALL-SCALE COMMERCIAL CHARACTER OF THE HISTORIC
RONDOUT NEIGHBORHOOD.**

Explanation of Policy

The Rondout neighborhood is bounded on two sides by the West Strand and Broadway areas, and is covered by the RT Zoning District (see Zoning Map). It also includes a partially developed area to the immediate east bounded by Broadway, Garraghan Drive, the North-South Arterial, and East Strand. This area is covered by the RLC Zoning District (see Zoning Map) and has a mixed use development of residential and commercial properties. The Rondout Urban Cultural Parks Visitor's Center is also located in the newly developed commercial building.

In the RT Zoning district the use, rehabilitation, and adaptation of existing structures in this unique area in accord with their original character shall be encouraged. Current standards for use, parking, height, yards, etc., will apply only when or in a way in which they can be met without undue difficulty, or where essential to the public welfare. New construction shall be compatible with the established character of existing development in the district. Further, it is recognized that the nature of the buildings, lot layout, topography, and other physical features in the district are such that adherence to rigid regulations may prove difficult. Therefore, flexibility in applying standards to development may be appropriate.

Under the RLC Zoning District regulations, flexibility is provided to encourage the development of a mixed use area by permitting office, residential, limited business and/or mixed use development. These areas are predominately residential but have been historically mixed-use areas and should continue to accommodate mixed uses.

See Policy 23 for guidelines for the rehabilitation of buildings.

**POLICY 1E RESTORE, REVITALIZE, AND REDEVELOP THE AREA
BETWEEN KINGSTON POINT AND THE EAST STRAND ALONG
THE RONDOUT CREEK FOR COMMERCIAL AND RECREA-
TIONAL WATER-DEPENDENT AND WATER-ENHANCED USES
THAT WILL INCREASE PUBLIC ACCESS TO AND PUBLIC
ENJOYMENT OF THIS AREA.**

Explanation of Policy

The City of Kingston recognizes the long-term economic opportunities that revitalization and redevelopment of the area between Kingston Point and the Rondout Creek has to offer. With particular attention to the former and existing commercial and industrial uses of this area, the City shall encourage these uses to be replaced with water-dependent and water-enhanced uses that will increase public access to and public enjoyment of this area.

The range of development to be considered for this area would include intensive options such as marina uses to more passive options such as pedestrian access improvements along the Rondout Creek, the Hudson River, and to the Kingston Point Lighthouse. The City envisions a mix of commercial and recreational water-dependent and water-enhanced uses along with open space and public access. To accomplish this, the City recognizes that there must be a balancing of passive and active uses with natural resource protection. Protection of the natural resource values of this area is critical, as it is the natural resource values which enhance its attractiveness.

Intensive development proposals in this area may be constrained by existing infrastructure and the need to protect significant natural resource values (see Policies 7 and 44). Any waterside development in this area must preserve the existing significant habitat, wetlands, shallows and mud flats to the maximum degree possible. The City recognizes that it is the natural resource values of this area that make it attractive to people and will ultimately spur economic revitalization of this area. Marina development in particular, must not result in a loss of existing habitat values either through construction or operation of facilities. A marina development proposal must include, at a minimum, the following alternatives: creation of upland basin facilities through excavation; direction of boating traffic into the Rondout Creek channel as opposed to over mud flats and shallows; enhancement of water circulation related to improvement of habitat values; provision for a number of slips or vessels that is consistent with site constraints; and using dry stack facilities in combination with the number of wet slips needed to provide efficient operation. For other general aspects to be incorporated in marina design, refer to Policies 21 and 22.

Mitigation for possible loss of habitat values may be considered in this area, but would require in-kind or on-site replacement that incorporates self sustaining habitat values. As a general guideline, proposals that require extensive engineering solutions to overcome substantial habitat impacts or significant site manipulation to meet proposal objectives indicate that the underlying siting decisions for the proposed project are inappropriate and an alternative proposal should be sought. Extensive engineering solutions may be characterized by complex technical approaches designed to simulate natural environments and usually require maintenance to sustain habitat values.

More passive development proposals may focus on or include provision of physical pedestrian access along the East Strand, the existing trolley line, and to the Lighthouse via improvement of the Creek jetty. These proposals should be coordinated with and be a part of adjacent upland

improvements, such as appropriate commercial development. Such public access is an essential component in making this area attractive for revitalization and redevelopment.

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

POLICY 2A DEVELOP NEW WATER-DEPENDENT USES ALONG THE RONDOUT CREEK AND HUDSON RIVER WATERFRONTS.

Explanation of Policy

This policy, as it relates to the Rondout Creek Waterfront, includes the area designated on the Zoning Map as the RF-R Rondout Riverfront Zoning District. This district extends from the City line at the southwest corner of Kingston on the Rondout Creek along the full length of the Rondout and around much of Kingston Point.

This policy, as it relates to the Hudson River, includes the remainder of the City's waterfront and extends northerly from the RF-R Rondout Riverfront Zoning District along the Hudson to the City line, and is included in the RF-H Hudson Riverfront Zoning District.

The area designated by the Waterfront Design Overlay District is to be developed as a port area with primary focus on recreation and tourist activities. A mixed-use area is defined by the two different waterfront zoning districts. Within the zoning districts, specific uses which are water-dependent are encouraged to locate along the immediate waterfront by the application of the two waterfront zoning districts. This approach provides a variety of uses without one use (such as marinas) dominating the area. Non-water-dependent uses are encouraged to locate more inland.

Also see Policy 1.

POLICY 2B PRESERVE EXISTING WATER-DEPENDENT AND WATER-ENHANCED USES.

Explanation of Policy

The following water-dependent and water-enhanced uses shall be encouraged to remain:

Feeney's Boatyard - Manufacturing of barges, located in the Wilbur neighborhood on the Rondout Creek.

Marinas - On the upper Rondout Creek.

Fish Wholesalers - On Dock Street.

West Strand - Shops and restaurants, with apartments above, surrounding a waterfront park on the Rondout Creek.

Hudson River Maritime Museum - A museum and boat repair shop located just east of the West Strand on the Rondout Creek.

Marina - At the mouth of the Rondout Creek.

Kingston Point Lighthouse - Lighthouse museum at the mouth of the Rondout Creek.

Kingston Point Park and Old Trolley Railroad Tracks (including the Trolley Museum) - Kingston Point Park is a City-owned, public park and wetland preserve located at the mouth of the Rondout Creek and on the north side of Kingston Point on the Hudson River. Included as part of this use is the Old Trolley Museum and Old Trolley Railroad Tracks running along East Strand and the peninsula south of the wetland lagoon adjacent to Kingston Point. also included, are the Old Trolley Railroad tracks along the west side of Kingston Point Park, running north and south north to the Park boundary.

Existing scientific, historic, artistic, and educational activities, and other uses which by their nature, require access to coastal waters.

**POLICY 2C ADAPT THE MILLEN STEEL, CORNELL STEAMSHIP
COMPANY AND OTHER SIMILAR HISTORIC BUILDINGS FOR
USES MORE APPROPRIATE TO THEIR WATERFRONT
LOCATION.**

Explanation of Policy

At present, the Millen Steel and Cornell Steamship Company buildings are being used for non-water-related activities. The redevelopment of these prominent buildings would continue the momentum created by activities in the West Strand area and would stimulate the redevelopment of other areas of the waterfront.

See Sheet No. 7 for location of Millen Steel and Cornell Steamship Company.

**POLICY 3 THE STATE COASTAL POLICY REGARDING DEVELOPMENT
OF MAJOR PORTS IS NOT APPLICABLE TO KINGSTON.**

**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.

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 State agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which 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 which, 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 which 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 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 area, particularly where the visual quality of the area is an important component of the area's appeal and identity.

The New York State Urban Cultural Park program has designated the City of Kingston an Urban Cultural Park with the theme of "Transportation." Kingston's small port played an important role in the development of New York State. The Urban Cultural Park program will utilize the Rondout Creek port area as a major feature of Kingston's park program.

The Urban Cultural Park program emphasizes historic preservation, interpretation and education, recreation and economic revitalization of the port area, and proposes to enhance this small harbor as a tourist attraction and commercial center.

**POLICY 4A ENCOURAGE THE DEVELOPMENT AND EXPANSION OF THE
TROLLEY MUSEUM, INCLUDING REHABILITATION OF THE
OLD RAIL TRACKS FROM THE STRAND TO KINGSTON POINT.**

Explanation of Policy

The Trolley Museum and Trolley rail system is an important part of the City's plans for revitalization of their waterfront area. The Kingston Trolley Museum located on East Strand, currently operates trolley tours between its facility and Kingston Point. Plans are underway to expand this service to cover a larger area, as well as to make it an important part of the City's means of moving people from the West Strand area to Kingston Point Park.

Currently, the trolley tours offer people the option of seeing a good portion of the Rondout waterfront from a vantage point not offered by car. Visitors travelling by City bus from the City's Urban Cultural Park Visitors Center and Stockade are can connect with the trolley after stopping at West Strand and the Maritime Museum and travel east to Kingston Point.

The City's Urban Cultural Park Commission will work with the Trolley Museum on developing expanded trolley tours of the Rondout Corridor and Kingston Point. Efforts will be made to include Trolley Museum leadership in planning for capital improvements along the waterfront and at Kingston Point which will improve access to, and the attractiveness of rail routes in these areas and which will create appropriate stops or destination points for trolley excursions.

**POLICY 4B SUPPORT THE CONTINUED GROWTH OF THE MARITIME
MUSEUM ADJACENT TO THE RONDOUT CREEK AND THE
LIGHTHOUSE OFF KINGSTON POINT AS A VALUABLE
INSTITUTION DEVOTED TO EDUCATING THE PUBLIC ABOUT
THE HUDSON RIVER AND KINGSTON'S HISTORIC HARBOR.**

Explanation of Policy

The importance of Kingston's role as a harbor in the development of New York State is being rediscovered through efforts like those of the Maritime Museum. The education of the general public and rediscovery of Kingston's Waterfront and its potential will lead to increased use of the waterfront area which, in turn, will produce more public support for its redevelopment.

**POLICY 4C PROMOTE PRIVATE DEVELOPMENT OF ON-SHORE
FACILITIES, INCLUDING DOCKS, TO SERVE THE HUDSON
RIVER TOUR BOAT INDUSTRY.**

Explanation of Policy

As part of the Urban Cultural Park program and the redevelopment of Kingston's port, tour boat activities will be reestablished. Large cruise ships will bring people from all over the region. Smaller day boats and dinner cruises will run tours up and down the Rondout Creek and Hudson River. Large sailboats and cabin cruisers are also expected to stay overnight.

In order to accommodate this increased use of the Kingston Waterfront by larger boats and greater numbers of people, facilities and services will be required. Additional dock space will be needed along the shoreline, and restaurants, shops, marine services, and lodging will be required. Dock space will be extended eastward along the Rondout Creek. Where possible, private marinas on the Rondout will accommodate smaller private boats, while the larger ships will be docked downstream. These marinas will also provide minor repair services to these craft.

Marine services will also develop east of the north/south arterial in association with the Maritime Museum complex.

Shops and restaurants will continue to locate in the West Strand and Broadway areas. Overnight lodging is a long-range need and will be accommodated in areas along the lower Rondout Creek and eventually along the Hudson River near Kingston Point.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.

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, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

1. Strengthen existing residential, industrial and commercial centers.
2. Foster an orderly pattern of growth where outward expansion is occurring.
3. Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas.

4. Preserve open space in sufficient amounts and where desirable.
5. Foster energy conservation by encouraging proximity between home, work and leisure activities.

The City of Kingston is an area of concentrated development, where infrastructure and public services are generally adequate to support future land uses and development. However, certain deficiencies in terms of condition and type of infrastructure remain at various waterfront locations.

POLICY 5A ENCOURAGE DEVELOPMENT AND ADAPTIVE RE-USE IN THE WEST STRAND, RONDOUT CREEK, AND URBAN RENEWAL AREAS WHERE THE INFRASTRUCTURE IS ADEQUATE AND UNDERUSED.

Explanation of Policy

Urban renewal efforts have concentrated in areas which were deteriorated and underutilized. A major effort was construction of the City's sewage treatment plant. With this and the infrastructure remaining from now-defunct industries, the large vacant parcels created by urban renewal demolition activities which could be developed without taxing the capacity of the infrastructure.

POLICY 5B UPGRADE CERTAIN DEFICIENT INFRASTRUCTURE ELEMENTS IN THE RONDOUT, WEST STRAND AND PONCKHOCKIE NEIGHBORHOODS AND ALONG THE HUDSON RIVER.

Explanation of Policy

The City's existing infrastructure is adequate to accommodate future development along much of the Rondout Creek. Recent rehabilitation and development has been concentrated in this area. However, certain capital improvements are needed, particularly to upgrade the public water and sewer facilities servicing the waterfront area, as previously described in the Inventory and Analysis. Those local, State and federal agencies charged with allocating funds for investments in such facilities should give high priority to these needs, so that full advantage may be taken of the rich array of other infrastructure components in promoting waterfront revitalization.

The following steps are needed to improve infrastructure components, in order of priority:

1. Separate combined sewers - see Policy #33
2. Repair bulkheads - see Policy #13

3. Improve parking (see Policy #4) and provide surface parking in the following locations, in accordance with the parking provisions and guidelines set forth in the Kingston Zoning Regulations:

- West Strand
- Lower Broadway in the vicinity of East Strand
- Smaller vacant lots in the Rondout neighborhood are available
- Public parks (as use increases)

Surface parking lots shall be constructed in accordance with the following design requirements:

- a. Planting shall provide screening on the perimeter of the site.
 - b. No more than 12 spaces shall be permitted in a continuous row.
 - c. Access shall consist of 15-foot driving lanes for lots over 20 spaces, and 10' driving lanes for lots under 20 spaces.
 - d. Access shall be no less than 50 feet from any intersection.
 - e. Parking spaces shall be a minimum of 9 feet x 18 feet, with an aisle no less than 22 feet wide.
 - f. Off-street parking should be adequately lighted.
4. Improve bus service between uptown and the waterfront areas of Kingston.
5. Improve rail and road access to the Hudson River Waterfront area (lower priority).
6. Provide sewer and water service to the Hudson River Waterfront area (lower priority).

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

Explanation of Policy

For specific types of development activities, and in areas suitable for such development, the City, State, and federal governments will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each board's and agency's procedures and programs are synchronized with other agencies' procedures at each level of government.

Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

When 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.

Explanation of Policy

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

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

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

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

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

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

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

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

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

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

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

POLICY 7A

THE RONDOUT CREEK HABITAT SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

The Rondout Creek is a designated Fish and Wildlife Habitat of Statewide Significance. It is located between the City of Kingston and the Towns of Esopus and Ulster. This habitat consists of approximately four miles of this tributary, extending from its outlet on the Hudson River to a dam at Eddyville. (See also Inventory and Analysis, and Appendix AA.)

The Rondout Creek is one of the largest freshwater tributaries of the Hudson River. The upper portion of the Creek provides favorable habitat conditions for a variety of anadromous, as well as resident freshwater fish species. Rondout Creek is an important spawning area for alewife, smelt, blueback herring, white perch, tomcod, and striped bass, and provides significant opportunities for recreational fishing of many popular species. Refer to Inventory and Analysis, Section II, and Appendix AA for further details.

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

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in Rondout Creek would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in adverse impacts on fish or wildlife populations. Clear water areas at the mouths of tributary streams are important feeding areas for osprey during migration. Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges.

Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from March through July for most warmwater species. Redevelopment of hydroelectric facilities on the creek should only be allowed with run-of-river operations. Barriers to fish migration, whether physical or chemical, would have significant impacts on fish populations in the creek, as well as in the Hudson River. Construction of fish passage facilities at the Eddyville dam would be beneficial to a variety of anadromous fish species in the Hudson estuary. Wetlands and shallows at the mouth of Rondout Creek should be protected from further degradation by activities such as dredging, filling (e.g., dredge spoil disposal), bulkheading, waste disposal, and oil spills. Existing areas of natural vegetation bordering Rondout Creek and its tributaries should be maintained to provide bank cover, soil stabilization, and buffer areas. Development of public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

(See Policy 25B)

POLICY 7B THE LOCALLY IMPORTANT HABITAT AT KINGSTON POINT PARK, ALSO KNOWN AS K.E.4, SHALL BE PROTECTED, PRESERVED AND WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

Explanation of Policy

The City of Kingston recognizes the importance of maintaining wetlands as a habitat for numerous species of wildlife. The Kingston Marsh or K.E.4 wetland on Kingston Point will be protected as a wildlife habitat.

Habitat protection at Kingston Marsh is recognized as fundamental to assuring the survival of fish and wildlife populations. This habitat is particularly critical to the maintenance of a given population and therefore merits special protection because of the following characteristics:

1. Wetlands such as the Kingston Marsh are found at a very low frequency within the Hudson River coastal region;
2. The Kingston Marsh supports wildlife populations having significant commercial and recreational value; and
3. The Kingston Marsh would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of the Kingston Marsh as a habitat. (See Natural Resources Map Sheet No. 3.)

Kingston Point Park includes facilities which impact the Kingston Marsh. The Park Master Plan includes active recreation, future interpretive trails and amphitheater, all of which border the Marsh. The development of these features should conform to the following guidelines:

1. Construction and maintenance of improvements should include accepted erosion control measures. See Policy 37.
2. Support facilities such as restrooms and concession stands shall be serviced by sanitary sewage systems or container systems which do not allow effluents into park soils.
3. Activity shall be controlled to protect the integrity and habitat of the wetlands and its shore by limiting construction within 100 feet of the high water line, limiting and directing access to wetland areas by means of paths and docks.
4. Activities beyond the 100-foot setback shall be considered as they relate to noise, lighting, and numbers of persons who might affect the viability of the wetland as a

habitat by respecting nesting, breeding, and migratory periods by not scheduling heavy recreation activities at those times.

5. Educational activities shall be encouraged through the Urban Cultural Park program to inform visitors and citizens about the importance of the wetland habitats and measures which are taken to protect them and the species which utilize them.

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

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, waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed. A list of hazardous wastes (NYCRR Part 366) will be adopted by the Department of Environmental Conservation within 6 months after the Environmental Protection Agency formally adopts its list.

The handling (storage, transport, treatment and disposal) of the materials 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 or 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.

See Policies 30, 33, 34, 36, 37 & 39.

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 WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

See Policies 19, 20, 21, & 22.

Explanation of Policy

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

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

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

1. Consideration should be made by City, State, and Federal agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with trained fish and wildlife biologists or comparable specialists.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be carried out in conformance with existing State law.

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

- (i) **ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVEMENT OF EXISTING ON SHORE COMMERCIAL FISHING FACILITIES;**
- (ii) **INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND**

- (iii) **MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORT SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

POLICY 10A ENCOURAGE RETAIL AND WHOLESALE FISH MARKETING WITHIN THE WATERFRONT AREA.

Explanation of Policy

Although there are no large commercial fishing enterprises operating out of Kingston, there are a number of smaller entrepreneurs who sell fish in the waterfront area. These activities promote New York State's commercial fish resources and can act as a stimulus for the redevelopment of the waterfront. Fish markets, however, are not necessarily compatible with all uses dependent or enhanced by the waterfront. Therefore, the location of these fish markets and their impact on adjacent uses will be evaluated through site plan review.

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

The policy applies only to Flood Hazard areas within the Coastal Area located in the Rondout Creek Flood Plain. The National Flood Insurance Program is in effect and the required standards apply to the siting and construction of buildings and other structures within the designated flood prone area.

Guidelines for review of construction within the flood prone areas shall include:

1. A review of all building permit applications for new construction or substantial improvements to determine whether or not proposed building sites will be reasonably safe from flooding.
2. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes must:

- a. Be designed, or modified, and anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. Use construction materials and utility equipment that are resistant to flood damage.
 - c. Use construction methods and practices that will minimize flood damage.
3. A review of subdivision proposals and other proposed new developments to assure that:
- a. All such proposals are consistent with the need to minimize flood damage.
 - b. All public utilities and facilities, such as sewer, gas, electrical and water systems area located, elevated and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

POLICY 12 THE STATE COASTAL POLICY REGARDING PRESERVATION OF EROSION NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO KINGSTON.

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

POLICY 13A BULKHEADS SHALL BE RECONSTRUCTED ALONG RONDOUT CREEK.

Explanation of Policy

Rehabilitation of the waterfront structures and embankments along Rondout Harbor and Kingston Point are considered urgently necessary. This is vital for the preservation of existing physical facilities against further damage and for the continued functional usefulness of land areas adjacent to the water line.

Priority will be given to those areas where existing development is threatened by the deterioration of bulkheads. The following areas are to be given highest priority for rehabilitation efforts:

<u>Location</u>	<u>Condition and Description</u>
Kingston Point adjacent to railroad bed	Rip-rap embankment partially to severely eroded.
Kingston Point Lighthouse	Dikes severely damaged, with loss of rubble and interior ties.
Rondout Creek adjacent to salvage yard	Bulkheads have broken piles at top, severe damage and distortion in the central zone and in some parts the bulkhead has totally collapsed.
Commercial Area and vicinity of old Route 9W Bridge	Bulkheads severely damaged.
Between Island Dock & the railroad bridge	Rip-rap embankment thin and scattered.

Second priority areas are those public areas which are in poor condition and will contribute to the redevelopment of the waterfront along the Rondout Creek through the Urban Cultural Park program.

<u>Location</u>	<u>Condition and Description</u>
Kingston Point Lighthouse pier	Dikes severely damaged with area partially or wholly collapsed, with damaged or loss of inner ties and rubble fill.

Third priority will be given to those areas which, although not threatening to existing development, have created an unstable condition which will result in erosion and siltation of the Rondout Creek.

<u>Location</u>	<u>Condition and Description</u>
Kingston Point adjacent to tank	Rip-rap embankments partially eroded.

tank farms

Kingston Point
Cove area

Rip-rap embankment partially eroded.

Kingston Point
former pier and
landing site

Concrete platforms on piers totally
collapsed.

Rondout Creek
oil storage yard

Rip-rap embankment (may have been former
bulkhead) loose, scattered and informal.

Island Dock

Bulkhead partially to severely damaged.

Marina piers and
bulkheads across from
Island Dock

Some damage to bulkheads.

Access bridge to
Island Dock

Rip-rap embankments thin and scattered.

Repair and replacement of bulkheads should follow the guidelines below:

1. Wherever possible, repair or replacement should be located at the same location as that of the old bulkhead so as not to encroach further on the water course. See Policy 37.
2. If the old location would not provide adequate protection, the new bulkhead may be located just outside the existing bulkhead, thereby eliminating the need to remove the existing bulkhead. However, the new location will not unduly encroach on natural watercourses, constructed channels or floodway areas.
3. Any repair work will be designed in accordance with the existing design or better.
4. Whenever possible within the tidal zone, steel pile bulkheads or concrete construction should be used in lieu of wood. Wood piles are more vulnerable to wet/dry cycles, which cause more rapid deterioration than full submersion or totally dry atmosphere.
5. Environmental Conservation Law Article 15 (Protection of Waters) permits will be required from the New York State Department of Environmental Conservation for all bulkheading within the Rondout Creek and Hudson River.

POLICY 14

**ACTIVITIES AND DEVELOPMENT INCLUDING THE
CONSTRUCTION OR RECONSTRUCTION OF EROSION**

PROTECTION STRUCTURES SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT OR AT OTHER LOCATIONS.

Explanation of Policy

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

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore 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 in 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.

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

Explanation of Policy

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

POLICY 17 WHENEVER POSSIBLE, USE NONSTRUCTURAL 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 DRAINAGE; (3) THE RESHAPPING OF BLUFFS; AND (3) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

Explanation of Policy

The City of Kingston recognizes that there are areas along the Hudson River shore and the Rondout Creek shore where structural measures are not necessary to protect property and natural resources against flooding and erosion. Non-structural measures would afford the degree of protection appropriate to the character of these areas, the purpose or activity, and to the hazard.

These areas include: beaches and parks; wetlands; and undeveloped, stable shoreline.

Non-structural measures include:

1. The strengthening of coastal land forms by the planting of appropriate vegetation.
2. The reshaping of manmade landforms to achieve the appropriate angle of repose to reduce the potential for slumping or erosion.
3. The use of minimum setbacks for buildings and paved areas from the waterfront to protect existing undisturbed shoreline.
4. The use of minimum lot coverage for buildings and parking areas along the waterfront to reduce the amount of runoff which could erode a natural waterfront.

GENERAL POLICY

POLICY 18 **TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.**

Explanation of Policy

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

PUBLIC ACCESS POLICIES

The purpose of these policies is to protect, maintain and increase access and recreation opportunities. However, in seeking to implement these policies, a balance should be achieved between the need for access/recreation facilities and the capacity of recreation facilities and natural resources to accommodate a certain level of use.

The City, State, and federal governments will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

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

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the State and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. 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.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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 during peak season use, and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; 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 with incomes below the State government established poverty level.
 - e. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other 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. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

3. The City, State, and federal governments will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
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 but served by public transportation; and outside the defined Urban Area boundary and not served by public transportation.

**POLICY 19A PROTECT, MAINTAIN AND INCREASE LEVELS AND
TYPES OF ACCESS TO KINGSTON POINT PARK AND
WEST STRAND PLAZA.**

Explanation of Policy

As part of the Kingston Urban Cultural Park Master Plan, Kingston Point Park provides recreational and interpretive programming and facilities related to the waterfront, including a beach, wetland and nature study trails, boat launch and trolley tour of the waterfront extending out to Kingston Point.

Increased access to this park will be accomplished by upgrading of existing facilities and construction of new facilities, including a dayliner dock; signage directing visitors to the park; improved public transportation (trolley) from the other centers of the Urban Cultural Park; and interpretation of the park for its role in the development of Kingston as a major river port.

The West Strand Plaza has been improved as part of the Urban Cultural Park Plan to provide a setting for the east Strand and Broadway redevelopment and to improve docking facilities in the Rondout Creek. Access improvements still needed include completion of parking facilities and extension of the riverfront improvements westward. Public transportation from other areas of the Urban Cultural Park will also improve access to this waterfront area.

**POLICY 19B PROVIDE PEDESTRIAN ACCESS TO THE LIGHTHOUSE AT
KINGSTON POINT PARK.**

Explanation of Policies

The Urban Cultural Park Plan proposes the re-establishment of pedestrian and boat access to the Kingston Lighthouse. The pedestrian access will consist of a walkway located on a rehabilitated dike structure extending from the shoreline at the end of North Street to the existing Rondout #2 lighthouse off Kingston Point. The dike will provide not only access, but also additional recreational opportunities as a fishing pier. Boats will not be permitted to dock along this

walkway, but will be restricted to the area immediately around the lighthouse structure. Security for the Lighthouse will be provided by restricting access to the structure during hours when it is closed to the public and at night.

Minimum parking facilities will be provided on North Street to encourage the use of public transportation or pedestrian trail routes. Access to the walkway will be provided by public transportation from other centers of the Urban Cultural Park, or pedestrian access along the Rondout Creek Waterfront.

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 SUCH A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP

Explanation of Policy

Access to the publicly-owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront, or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting. For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

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

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

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of

overriding regional or statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

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

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

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
4. The State and City will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

**POLICY 20A PROVIDE OPPORTUNITIES FOR CONTINUOUS PUBLIC ACCESS
ALONG THE RONDOUT CREEK WATERFRONT FROM WEST
STRAND TO KINGSTON POINT AND TO THE HUDSON RIVER
FROM KINGSTON POINT TO THE CITY LINE.**

Explanation of Policy

The intent of this policy is to develop continuous access, first along the Rondout Creek and subsequently along the Hudson River. The development of continuous access will be a cooperative effort of public and private entities.

The City of Kingston will not undertake or assist in funding any waterfront or water related resource or facility which increases access to the waterfront that is not open to all the public.

Private property owners, when developing or expanding waterfront facilities, shall be encouraged to provide both visual and pedestrian public access along the waterfront.

The following publicly-owned stretches of land currently provide linear access. Public entities will continue to take steps to link these existing stretches. See Policy 19.

Rondout Creek:

1. Kingston Point Park
2. North Street
3. West Strand Plaza and lands extending 560 feet west of the Port Ewen Bridge
4. Dock Street
5. The south side of Abeel Street as it abuts the Rondout Creek just east of Wilbur Avenue
6. Rondout Creek Bottom with the exception of land grants as recorded with the New York State Office of General Services, Division of Land Utilization. See Policy 19 A,B,C.

Hudson River:

1. Kingston Point Park.
2. Hudson River Bottom with the exception of land grant as recorded with the New York State Office of General Services, Division of Land Utilization.

See Policy 2A for guidelines relating to access.

RECREATION POLICIES

POLICY 21 WATER DEPENDENT AND WATER ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION

SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

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

Water-related recreation development is to be increased, provided demand exists, and 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. Such uses shall have a higher priority than any non-coastal dependent uses, including non-water-related recreational 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 shore use is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. The Department of State, working with the Office of Parks, Recreation, and Historic Preservation and with local governments, will identify communities whose use of the shore has been so restricted, and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

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

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

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

**POLICY 21A DEVELOP, EXPAND AND IMPROVE EXISTING PUBLIC
WATER-DEPENDENT AND -ENHANCED RECREATION
FACILITIES ALONG THE HUDSON RIVER AND RONDOUT
CREEK WATERFRONTS.**

Explanation of Policy

The following activities are planned to provide for better public recreation along Kingston's waterfront.

Rondout Creek

Improvements to West Strand Plaza will include increased docking facilities and the extension of the waterfront walk and park west to the suspension bridge over the Rondout Creek and east to relate directly to the Maritime Museum.

Improvements to the Rondout 2 Lighthouse will include the reconstruction of a pedestrian access to the lighthouse from the Rondout Creek, and east to relate directly to the Maritime Museum.

Hudson River

Improvements to Kingston Point Park will include rehabilitation of the beach facilities on the Hudson River, redevelopment of the dayliner docking facilities at the mouth of the Rondout Creek, development of interpretive trails and interpretive displays illustrating the role of the dayliner, the development of Kingston as a port and interpreting the Kingston marsh wetlands.

Guidelines for Dealing with Use Conflicts

Public transportation will be improved and expanded along the Rondout Creek and Kingston Point area as part of the Kingston Urban Cultural Park. (Also see Policy 2.)

As the continued popularity of the waterfront creates increased activity and development, each recreational activity will require space in which to function. Certain activities (such as water skiing and fishing or duck hunting in the Kingston Marsh) are not compatible in limited space. Although not a problem today, levels of activities and conflicts between recreational alternatives may occur in the future. At that time, the City of Kingston will limit or regulate the competing activities.

The following guidelines will be used to determine priority:

1. The danger each use presents to the other activities.
2. The dependency of each use on the location or resource under conflict.
3. The availability of other opportunities or areas for undertaking the activity.
4. The compatibility of the activity with the overall development of the waterfront area.

The Kingston Marsh is one of only four designated waterfront hunting areas in the lower Hudson River Valley. In order to maintain hunting as a recreational activity which contributes to the economics of the area, the following alternatives will be considered as an alternative to eliminating this activity from the Kingston Marsh:

1. Identifying limits of hunting activity which would provide adequate buffer between activities.
2. Scheduling events and activities so that they do not conflict with duck hunting season.
3. Relocating certain activities to other areas of the City or the waterfront during hunting season.
4. Reducing the hunting season for the Kingston Marsh to accommodate activities scheduled which might conflict with hunting.
5. Prohibiting hunting only during periods when other activities are planned.

**POLICY 21B ENCOURAGE THE DEVELOPMENT, EXPANSION AND
IMPROVEMENT OF PRIVATE WATER-DEPENDENT AND
-ENHANCED RECREATION FACILITIES ALONG THE HUDSON
RIVER AND RONDOUT CREEK WATERFRONTS.**

Explanation of Policy

It is the objective of the Kingston Local Waterfront Revitalization Program to utilize the Rondout Creek as a catalyst for redevelopment of the Kingston waterfront. Businesses along the Rondout, from the Port Ewen suspension bridge to North Street, will be encouraged to develop public docking. Marinas west of the suspension bridge will be encouraged to expand and provide additional support facilities such as boat repair and launching facilities, restaurants overlooking the Rondout Creek, and walkways.

The redevelopment of Island Dock should include an interpretive park at the east end of the Island to illustrate the role of Island Dock as a major water transport terminal. Improvements should include the rehabilitation of bulkheads, interpretive signage, walks, docking facilities, and restrooms.

Museums such as the Hudson River Maritime Museum and the Trolley Museum shall be encouraged to remain and expand, utilizing the Rondout Creek and Hudson River waterfronts. The Trolley Museum shall be supported in its attempts to extend its trolley system northerly to the Kingston Point Park dayliner dock area and the Hudson River Waterfront.

Commercial facilities which may locate on the Hudson River at the Hutton Brickyard will be encouraged to provide docking facilities. See Policy 23.

Other industrial or commercial activities which locate along the Hudson River Waterfront will be encouraged to provide water-dependent or -enhanced recreation for their employees as part of a multi-use design. See Policy 2.

Guidelines for Marine Development

The following guidelines should be considered in reviewing marine facilities. Where these guidelines differ from those set forth in the Kingston Zoning Regulations, the latter shall prevail.

1. Clearances in slips beyond the beam and length of boat.
2. Width of entrance and exit channels to the marina.
3. Width of water area for maneuvering to and from slips.

Main walkways (catwalks) shall be a minimum of 8 feet wide. Catwalks serving two boats or less shall be a minimum of 2 feet wide.

Parking shall be provided at a minimum rate of 0.60 spaces per boat slip, plus whatever additional spaces are required for employees and required by the Zoning Regulations for separate retail activities on premises.

All private marinas in the City of Kingston shall make provisions to accept sewage and solid waste discharge from ships, boats and other marine vessels as may be appropriate. The following guidelines shall apply:

1. Discharge facilities shall be accessible to the general public.
2. Discharge facilities shall be accessible to ships, boats, marine vessels of the same class, stored, serviced or docked at such marina.

3. A fee may be charged for discharge of sewage and solid waste (by the general public) not to exceed 1.25 times that charged to marina members or patrons.
4. Discharge facilities shall be either connected to the Kingston Sanitary Sewage System or effluent shall be stored in an approved holding tank. Such a holding tank shall be pumped on a regular basis in order to provide continual accessibility to the discharge facilities.

As the Rondout Creek Port area becomes more active, boat traffic will increase. Marinas and docking will expand, constricting navigation lanes. It will be necessary to deal with this growth and potential navigation conflicts between different types of vessels by: (1) improving local capabilities to police boat traffic, and (2) considering carefully the effects of proposed marina and docking facilities. The following guidelines will be used to evaluate proposed marina and docking facilities as to whether or not they would seriously diminish the efficiency and safety of navigation on the creek:

1. In general, a minimum of 100 feet of navigational lane shall be maintained in the Rondout Creek. However, for 300 feet to either side of the railroad bridge west of Bernard Street, no expansion of existing dockage or marina facilities may take place which would narrow the navigational channel beyond its current width of 400 feet.
2. Marinas or docking shall not impede upon the navigational lane.
3. Where larger boats are permitted, additional navigational area shall be provided.
4. Sporting activities such as fishing from boats, sailing, and skiing shall be limited to the Hudson River or upstream from busy port areas.
5. A no-wake speed limit shall be maintained and enforced.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL PROVIDE FOR WATER-RELATED RECREATION AS A MULTIPLE USE WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

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 reason for public use cannot be foreseen.

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

- * Parks
- * Nature preserves
- * Large residential subdivisions/developments
- * Shopping centers
- * Office buildings for professional and/or business offices
- * Hotels and convention centers
- * Restaurants
- * Schools
- * Manufacturing plants
- * Research and design laboratories
- * Museums
- * Clinics, cafeterias, and recreational facilities for use by company employees and officers

Prior to taking action relative to any development, public agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and the City to determine appropriate recreation uses. The agency should provide the Office of Parks, Recreation, and Historic Preservation and the City with the opportunity to participate in project planning.

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

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

Redevelopment along the Rondout Creek from North Street to Broadway should utilize the waterfront for docking purposes. Access along the waterfront should include an improved walkway at least 10 feet wide in order to accommodate safe access to docking and permit public access in the form of a promenade or boardwalk along the Rondout Creek.

The redevelopment of Island Dock shall include a park at the eastern end of the island and docking facilities.

See Policy 2A for guidelines related to access.

HISTORIC AND SCENIC POLICIES

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

Explanation of Policy

The various archaeological and architectural/structural resources within the Local Waterfront Revitalization Program area represent past land uses, habitation, industry, architecture, and other historical and cultural dimensions of the area. The perspective gained through the recognition of these resources offers an opportunity to see how the human utilization of the coastal area changed over time. Incorporation of this concept into the management and interpretation of the proposed revitalization area provides an additional facet for the appreciation of local waterfront land use.

Development of appropriate measures including planning the use of all historic, architectural, and archaeological resources would promote the policy of preserving cultural resources. See Inventory and Analysis, Subsection G, for resources of national and local significance to which this policy applies. (See Policy 25B regarding abandoned barges in the Rondout Creek.)

The City of Kingston Landmarks Commission should assume responsibility for National and Local Historic Register Nominations of structures, districts, areas, and sites within the Coastal Area.

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; entryways 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, out buildings, 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 Rehabilitating Historic Buildings" shall be adhered to.)

The Office of Parks, Recreation and Historic Preservation will be consulted on a project-by-project basis to identify, evaluate, and recommend measures to mitigate impacts to significant cultural resources, particularly archeological resources.

2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in Number 1 above plus any other appurtenant structure associated with a building structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within a historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary consideration 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 archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design, material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping, and related items of the proposed actions. With historic districts, this would include infrastructure improvements or changes such as street and sidewalk paving, street furniture, and lighting.

POLICY 23A

THE CHARACTER OF THE RONDOUT AND CHESTNUT STREET HISTORIC DISTRICTS SHALL BE PRESERVED WHILE ACCOMMODATING ECONOMIC GROWTH. INDIVIDUAL HISTORIC STRUCTURES OUTSIDE THESE DISTRICTS SHALL BE PRESERVED IN LIKE MANNER.

Explanation of Policy

The Rondout and Chestnut Street Historic Districts have been identified as areas of unique historic and architectural significance to New York State and the nation. Individual buildings outside these districts are listed on the National Register of Historic Places which include: the E. C. Coyendall House at 166 West Chestnut Street; the Ponckhockie Congregational Church at 91 Abruyn Street; St. Marks A.M.E. Church at 74-86 Wurts Street; the S. & W.B. Fitch Building at 540 Abeel Street; and the Cornell Shops at 94-112 East Strand. Additional structures of local importance have also been identified. See Inventory and Analysis, Subsection G, Cultural Resources.

Guidelines for Reviewing Proposed Actions Involving Historic Resources

Encouragement will be given to restoration of buildings and sites in a manner which allows for interpretive programming.

Certain standard requirements, such as provision of on-site parking, will be waived if this would be the best way to achieve the goals of Policy 23-A.

All construction, demolition or modifications in a historic district or to a building listed on the National Register of Historic Places shall be reviewed to determine whether such action might adversely affect any landmark district or building.

In making such determinations, the following criteria will be considered: (a) the effect of the proposed work in changing, destroying or affecting the exterior architectural features of the landmark or district upon which such work is to be done; (b) the relationship between the results of such work and the exterior architectural features of other neighboring improvements; (c) the factors of aesthetic, historical and architectural values and significance, architectural style, design, arrangement, texture, material and color; (d) the special character and aesthetic interest that any structure involved adds to the area; and (e) the difficulty or impossibility of reproducing any structure involved because of its design, texture, material, position, or detail.

Demolition by neglect shall be deemed to occur whenever any of the following structural or maintenance requirements are found to have been violated:

1. Buildings and structures shall be maintained weather resistant and in good condition.
2. Exterior Protection:
 - a. Exterior walls including foundations shall be maintained so that ground and surface water does not penetrate into basements and cellars.
 - b. Exterior doors, windows, skylights, and similar openings shall be weather tight.
 - c. Exterior stairs, porches, entrance platforms, fire escapes, and railings thereon, shall be maintained in a safe and sound condition.
 - d. Roofs shall be maintained in a watertight condition.
- c. Interior Protection:
 - (1) Structural members shall be protected and maintained to resist and prevent deterioration.

- (2) Unheated attics, spaces below flat roofs, and crawl spaces shall be ventilated to minimize deterioration.
- (3) Chimneys and flues shall be maintained so as not to permit penetration of smoke or fire.
- (4) Ceilings, walls, floors, and stairways shall be maintained in a safe and sound condition.

See also Policy 25 for guidelines on protecting aesthetic settings.

SCENIC QUALITY POLICIES

POLICY 24 THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO KINGSTON.

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

POLICY 25A PROTECT, RESTORE AND ENHANCE SCENIC VIEWS OR VISTAS OF LOCAL IMPORTANCE, INCLUDING VIEWS FROM HASBROUCK PARK, KINGSTON POINT, RONDOUT 2 LIGHTHOUSE, ISLAND DOCK, AND THE PORT EWEN SUSPENSION BRIDGE.

POLICY 25B PROTECT, PRESERVE AND ENHANCE THE GENERAL VISUAL QUALITY OF THE HUDSON RIVER AND RONDOUT CREEK WATERFRONTS.

Explanation of Policies

Hasbrouck Park commands a panoramic view of much of the coastal area including the Rondout Creek and the Hudson River, Kingston Point and Esopus. Kingston Point and the Kingston Lighthouse provide views up and down the Hudson River. The Island Dock presents a unique view of the Rondout and West Strand area at river level, while the Port Ewen Suspension Bridge commands views up and down Rondout Creek.

Kingston's Hudson River waterfront is opposite the Mid-Hudson Historic Shorelands Scenic District located in Dutchess County and designated under Article 49 of the Environmental Conservative Law. Kingston's Hudson River waterfront has been identified as a "scenic zone" because of the important influence of western views on the district's scenic quality. The eastern shore is also part of the candidate Estates District Scenic Area of Statewide Significance (SASS) proposed for designation under Article 42 of the Executive Law. The Kingston waterfront constitutes the middle ground of views to the west from the proposed SASS.

The protection, restoration and enhancement of these shared views and vistas will benefit the general visual quality of both the Hudson River and Rondout waterfronts.

In addition to scenic overlooks, the Kingston waterfront includes the following scenic resources which will be protected and restored:

1. Historic Buildings

The Rondout Historic District, listed on the National Register of Historic Places, lies wholly within the coastal area. A portion of the recently designated Chestnut Historic District also lies within the coastal area, as do a number of individual landmarks. They include the S. & W.B. Fitch Bluestone Headquarters, the Westshore Railroad Trestle, the Port Ewen Suspension Bridge, Cornell Steamship Company Shops, Ponckhockie Congregational Union Church, the Freeman Building, Mansion House, and the Cordst Mansion.

2. Rock Outcrops

Natural geologic formations, combined with the effects of former mining activities, have resulted in dramatic cliffs and basins along much of the Hudson River portion of the City's coastal area. The topographic changes created by mining operations have also resulted in ledges and terraces.

Other conditions along Kingston's waterfront detract from its scenic quality. Guidelines for controlling or eliminating these uses are included in the following:

1. Shoreline

The current deteriorated condition of much of Kingston's shoreline detracts from the appearance of the waterfront and discourages potential recreational or other appropriate development.

See Policy 13.

2. Scrapyards

The most aesthetically offensive land uses within Kingston's coastal area are the scrapyards along Rondout Creek.

When open storage is permitted in a commercial or industrial district as a principal or accessory use, the following conditions shall be met:

- a. Storage shall be screened from view by an eight foot high fence or evergreen screening, the design and location of which shall be approved by the Planning Board. In no case shall the stored material exceed the height of the screening.
- b. No outdoor storage may be permitted within 25 feet of a Residential District boundary.

The following uses are deemed objectionable and incompatible with the purposes of the Waterfront Design District:

- a. Open storage of scrap metal, auto parts or land junk.
- b. Open storage of building materials, including raw material.
- c. Excavation or processing of raw materials.

Regardless of the provisions of the basic underlying districts, such uses shall not be permitted to increase the land area devoted to such activities. Such uses shall be surrounded by an opaque fence at least eight feet in height, located no closer than six feet to the street or property line. The area between the fence and property or street lines shall be planted with trees no further than 25 feet on center, of a species whose height, at maturity, is at least 20 feet. Such screening shall be erected within one year from the date of adoption of such regulations by the City.

See Policy 1.

3. Abandoned Buildings

As industry along Kingston's waterfront declined, a large number of buildings were left abandoned by a dwindling economy which was unable to absorb them for other uses. These skeletal structures have deteriorated further and now constitute blighting influences.

The revitalization of the West Strand area is the most recent example of current efforts to begin to adaptively reuse abandoned waterfront buildings.

See Policy 1.

4. Abandoned Barges

Rondout Creek has become the repository for a number of abandoned river barges. These deteriorating vessel hulls present artifacts which might be used for interpretive purposes. They

also provide for fish habitat. These two positive influences, however, are countered by the blighting effects which these barges have on adjacent development.

Where these barges contribute to wildlife habitat or can be used as interpretive elements for the Urban Cultural Park Plan, they shall be left. Where these barges do not contribute to the wildlife habitat or the Urban Cultural Park Plan, but hinder water traffic or shoreline development, they shall be permitted to be removed.

See Policies 7 & 23.

Siting and Facility-Related Guidelines

The following siting and facility-related guidelines are to be used to achieve these policies, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Where the following guidelines differ from those set forth in the Kingston Zoning Regulations, the latter shall prevail:

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. See Policy 2.
2. Clustering or orienting structures to retain views, save open space, and provide visual organization to a development. See Policy 2.
3. Incorporating sound, existing structures (especially historic buildings) into the overall development scheme. See Policy 23.
4. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape. More specifically, the design of all structures is to be compatible with that of surrounding structures. Compatibility shall be determined by a review of proposed (1) use of materials, (2) scale, (3) mass, (4) height, (5) color, (6) texture, and (7) location of the structure or structures on the site. See Policy 23.
5. All outdoor lighting is to be of such nature and so arranged as to preclude the diffusion of glare onto adjoining properties and streets.
6. The following design guidelines shall be used for signs:
 - a. Signs mounted on buildings should not cover openings or architectural details and should be located within areas designed to house signs if such exist.
 - b. Signs should be located no higher above the ground than is necessary for viewing from adjacent streets.

- c. Signs should be of regular shape and should be designed with respect to the shape and proportion of the space within which they will be located and the facade to which they will be applied.
- d. The size of signs should relate to the vantage point of the intended observer and the length of time available for viewing - signs intended for pedestrians on the sidewalk need not be as large as those to be seen from passing cars.
- e. Signs should include the minimum information necessary to convey the intended message so as to avoid clutter and confusion.
- f. Multiple signs should be avoided where one will do.
- g. Colors and materials which are discordant with the general character of the adjacent area should be avoided.
- h. Generally, signs on the same building should be placed within the same horizontal band and be of similar height.
- i. Wherever possible, signs should be integrated with fences, walls or buildings rather than be free- standing.
- j. Sign material should be durable and require little maintenance.
- k. Billboards shall be permitted in C-1, C-2, and C-3 Districts provided they consist of signs of an area not more than 325 square feet excluding supports, which shall be at least six feet from all property boundaries of the property on which it is erected.
- l. Billboards shall not be permitted within the Waterfront Overlay District or within 2,000 feet of the Waterfront Overlay District.

Removal of structures: Removing deteriorated and/or degrading elements - see Policy 1.

Grading:

- a. Maintain or restore the original land form, except when changes screen unattractive elements; and/or add appropriate interest, planting and screening.
- b. Maintain or add vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters. See Policy 7.

- c. Use appropriate materials, in addition to vegetation, to screen unattractive elements.

Landscaping and screening:

- a. All playground, parking and service areas are to be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets. General landscaping of the site is to be such as to enhance the character of the City and to be in character with that generally prevailing in the neighborhood.
- b. All existing trees over eight inches in diameter, measured three feet above the base of the trunk, are to be retained to the maximum extent possible.

Parking lots:

- a. Landscaping: Whenever a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line.
- b. Screening: Where a parking area for three or more vehicles abuts a residential property, it shall be screened from view by landscaping, opaque fence or wall, or other means.

Outdoor storage:

- a. Storage shall be screened from view by an eight foot high fence or evergreen screening. In no case shall the stored material exceed the height of the material exceed the height of the screening.
- b. No outdoor storage may be permitted within 25 feet of a Residential District boundary.

Commercial properties: Landscape strips shall be provided along all property lines of multi-family and non-residential uses. Such landscape strips shall comply with the following minimal standards:

- a. Said landscape strips shall be at least three feet wide and include evergreen planting and other landscaping of such type, height, spacing and arrangement as will effectively screen the activity on the lot from neighboring uses. New trees shall have a caliper of not less than three inches from the base, and shall be at least six feet high when planted.

- b. An opaque wall or fence may be substituted for part or all of the required landscape strips.
- c. Where the existing topography and/or existing landscaping provides adequate screening, the planting and/or landscape requirements may be waived.

Maintenance: All fences, trees, plantings, shrubbery, or other screening shall be maintained at all times at least to the same quality required of said items at the time they were initially installed.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE CONSERVATION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO KINGSTON.

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 lower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies.

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

In consultation with the City of Kingston, 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 of the PSL; and use the State SEQR and DOS 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 policies and purposes of the Kingston Local Waterfront Revitalization Program.

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

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydro-electric power; fish and wildlife and their habitats as identified in Section II and Policy 7, flood levels and damage, and 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.

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

WATER AND AIR RESOURCES POLICIES

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

POLICY 30A WATER COURSES AND THE ATMOSPHERE SHOULD BE KEPT CLEAN AND POLLUTION ABATED WHERE IT NOW EXISTS.

See Policies 34A and 36A.

**POLICY 30B SOURCES OF POTABLE WATER SUPPLY AND THE WATER
TABLE SHOULD BE SAFEGUARDED.**

Explanation of Policy

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

As part of its EPA grant program to upgrade Kingston's sanitary sewer system and eliminate pollution of the Rondout Creek, the City has identified the following areas within the coastal area where direct dry-weather sewage discharge occurs:

- Wilbur Avenue
- North Street/East Strand area
- Hudson Street
- Block Park
- The sewage treatment plant area.

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

Explanation of Policy

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

POLICY 32 **THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE WASTE SYSTEMS IS NOT APPLICABLE TO KINGSTON.**

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

POLICY 33A **ELIMINATE COMBINED STORM AND SANITARY SEWERS WHERE FEASIBLE.**

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. The City of Kingston recognizes the problems associated with a combined storm and sanitary sewer system. Kingston is constantly upgrading their existing system and sewage treatment plant.

See Policy 37.

POLICY 33B **WORK TOWARD UPGRADING COMBINED STORM AND SANITARY SEWERS WHERE SEPARATE SYSTEMS ARE INFEASIBLE.**

There are areas within the City of Kingston where separation of storm and sanitary sewers is unfeasible due to grade problems or economies of extending a separate storm system to a point of discharge.

The best management practices for a combined storm and sanitary system include:

1. Monitoring and repair of the system to minimize or eliminate infiltration into the ground water.
2. Increasing on-site storm drainage retention.

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

POLICY 34A **MARINAS SHALL BE REQUIRED TO MAKE SEWAGE DISCHARGE FACILITIES ACCESSIBLE FOR USE BY THE GENERAL PUBLIC.**

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, part 657).

The City of Kingston has an ordinance regarding the disposal of solid wastes which prohibits the discharge of sewage into the Hudson River and Rondout Creek. In order to meet the needs for marine waste discharge, the protection of fish habitats, water supplies, and the quality of recreational resources, the City of Kingston will require local marinas to provide access to marine dumping stations for the discharge of solid wastes and sewage.

All private marinas in the City of Kingston shall make provisions to accept sewage and solid waste discharge from ships, boats and other marine vessels as may be appropriate. The following guidelines shall apply:

1. Discharge facilities shall be accessible to the general public.
2. Discharge facilities shall be accessible to ships, boats, marine vessels of the same class stored, serviced or docked at such marinas.
3. A fee may be charged for discharge of sewage and solid waste (by the general public) not to exceed 1.25 times that charged to marina members or patrons.
4. Discharge facilities shall be either connected to the City's sewage disposal system or effluent shall be stored in an approved holding tank. Such holding tank shall be pumped on a regular basis in order to provide continual accessibility to the discharge facilities.

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, pollution 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 where it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25, and 34) and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 24, 25, 26, and 44).

The City of Kingston has invested in the protection of its coastal shore through a number of efforts including the construction of bulkheads, protection of the Kingston Point wetland area, and development of the Kingston Point Beach. It further proposes to improve the waterfront's recreation potential through the restoration of bulkheads and a land connection to the lighthouse off Kingston Point, installation of public docking, and reinstitution of the Hudson River dayliner services.

Dredging is required for the main navigational channel in the Rondout Creek and adjacent to docking to allow larger tour boating and dayliner activities. However, improper dredging can change currents, cause erosion of natural land forms, and undermine bulkheads. The potential impact to recreation areas, sensitive wildlife areas, and shoreline stabilization measures shall be considered and avoided or mitigated in the course of dredging activities. See Appendix C for the map of navigational channels.

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

Explanation of Policy

See Policy 39 for definition of hazardous materials.

The bulk storage of petroleum products exists along the Kingston Waterfront in the following locations:

1. Kingston Point at the end of Delaware Avenue, adjacent to K.E.4 Marsh area; includes docking facilities.
2. Rondout Creek adjacent to North Street, at the mouth of the Rondout Creek, adjacent to a private marina to the east; includes docking facilities.

3. North side of East Strand near Tompkins Street; approximately 200 feet from the Rondout Creek.

All activities within the LWRP boundary which are subject to this policy shall also comply with State and federal regulations.

POLICY 36A ALL TANKS AND TANK FARMS SHALL BE CONTAINED BY LAND BERMS OR STRUCTURES TO PREVENT PETROLEUM OR HAZARDOUS OR OTHER STORED PRODUCTS FROM ENTERING OTHER PUBLIC OR PRIVATE LANDS OR BODIES OF WATER OR DRAINAGE COURSES OR SYSTEMS.

Explanation of Policy

All storage tank farms shall make provision for an on-site containment structure. Such containment structure shall have the ability to hold the capacity of at least 10% of the total capacity of the storage tanks, or the capacity of the largest storage tank it encloses, whichever is greater.

Such containment structure shall be constructed of material(s) which prevent the flow of the substance stored in the containment area. The materials used for the construction of the sides of the containment structure shall be installed on the bottom of structures, thereby totally containing any spilled or released substance.

Provision shall be made for removal or collection of any substance which has been released into the containment area within a 48-hour period. Such provision and plan shall be submitted to the City's Building Department. The removal of such substance from the containment area must not impact upon the adjacent land and water resources.

Environmental Conservation Law Article 17 regulating petroleum bulk storage by the New York State of Department of Environmental Conservation took effect December 27, 1985.

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

In Kingston, the management practices used to reduce non-point discharge and sources of pollution include soil/erosion control and surface drainage control techniques. The following guidelines will be used to minimize the effects of stormwater run off on water quality:

1. Grading and development methods shall preserve salient natural features, keep cut/fill operations to a minimum, and insure conformity with topography with the objective of creating the least erosion potential and adequately handling the volume and rate of velocity of surface water runoff.
2. Disturbed soils shall be stabilized as soon as practicable.
3. Temporary vegetation and/or mulching shall be used to protect exposed land areas during development.
4. Permanent (final) vegetation and mechanical erosion control measures shall be installed within the time specified in the permit.
5. Provision shall be made to dispose of increased runoff caused by changed soil and surface conditions during and after development. This shall be accomplished in a manner which minimizes danger of flooding. Where necessary, the rate of surface water runoff shall be mechanically retarded.
6. Until a disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures.
7. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces or fills.
8. Cut and fills shall not endanger adjoining property, nor divert water onto the property of others.
9. All fills shall be compacted to provide stability of material and to prevent undesirable settlement.
10. Fills shall not encroach on natural watercourses, constructed channels or floodway areas.
11. Fills placed adjacent to or having an impact upon natural watercourses, constructed channels or flood plains shall have suitable protection against erosion during periods of flooding.
12. No development shall take place in the floodway if such development shall raise the water surface elevation of the base floodplain at any point within the community.
13. During grading operations, appropriate measures for dust control shall be exercised.
14. Grading equipment shall not be allowed to enter into or cross any watercourse, except in accordance with management practices and applicable permits.

15. Rate of runoff over land shall not be increase by new construction.
16. Potential pollutants will be evaluated. Measures to contain mitigate, or dispose of these pollutants shall not impact natural watercourses.
17. Storm water discharge into an underground system will be required where available.

The outdoor storage and/or application of metals, organics or nutrients can create the discharge of such materials into coastal waters from storm water runoff. Adequate buffer and protection should be given to prevent discharge of water from outdoor storage areas into coastal waters or the groundwater. Outdoor storage shall be prohibited from areas immediately adjacent to the waterfront. The following uses shall be encouraged to relocate from the waterfront area:

1. Outdoor storage of scrap metal, auto parts or other junk or salvage materials.
2. Open storage of building materials, including raw 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. Although Kingston is currently serviced by a water source outside the coastal area, other communities take their drinking water from the Hudson River. It may also become necessary in the future that Kingston supplement its drinking water from the Rondout Creek or Hudson River as well. Therefore, efforts to protect the quality of the groundwater and surface water resources will ensure adequate, safe drinking water for current and future use.

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

Explanation of Policy

The definitions of terms "solid wastes" and 'solid wastes management facilities' are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes. Solid waste management facilities must meet the requirements contained in 6 NYCRR Part 360.

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

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

Kingston's coastal area contains sensitive natural areas important to fish and wildlife, and is intensely developed, especially along the Rondout Creek waterfront. The location of a solid or hazardous waste disposal area or the transport, storage or treatment of such waste within the waterfront area is inappropriate.

The temporary storage of "clean" solid waste such as junk, scrap metals, auto parts, etc., is acceptable only in isolated areas, such as the abandoned quarries, where environmental degradation can be minimized and contained.

**POLICY 40 EFFLUENT DISCHARGE 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.**

Explanation of Policy

A number of factors must be considered 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 is considered by the siting board when evaluating any applicant's request to construct a new steam electric generating facility.

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

Explanation of Policy

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.

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 toxics and their economic and environmental effects on coastal resources.

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

Explanation of Policy

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

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

Explanation of Policy

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

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

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; and 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 State Protection of Waters Act.

Kingston's freshwater wetlands include the Kingston Point Marsh, a designated Class I wetland (K.E.4), parts of the Rondout Creek, and numerous areas upland along the Hudson River. See Inventory and Analysis, Sheet No. 3, Natural Resources Inventory. The benefits derived from the preservation of Kingston's freshwater wetlands include but are not limited to:

1. Habitat for wildlife and fish, a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
2. Erosion, flood and storm control;
3. Natural pollution treatment;
4. Groundwater protection;
5. Recreational opportunities; and
6. Educational and scientific opportunities
7. Aesthetic open space in many otherwise densely developed areas.

Kingston's freshwater wetlands are located at the outlet of Rondout Creek, Kingston Point and upland along the Hudson River above the escarpments.

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PUBLIC AND PRIVATE PROJECTS

A. PROPOSED LAND AND WATER USES

The land and water uses proposed in this plan reflect the historic trends which have supported the waterfront area, new directions which have emphasized the waterfront area as a viable exciting area of the City, and the policies discussed in Section III of this document.

Due to the diversity of the coastal region in Kingston, the following section will discuss land use by sub-areas. See Proposed Land Use Map - Appendix A.

1. Wilbur

The former settlement of Wilbur is now a neighborhood in the southwest corner of the City. This quaint area has developed as a multi-use neighborhood and is an important feature of the City's Urban Cultural Park plan. Wilbur's multi-use character will be maintained to preserve this as a residential neighborhood which is tied to the river through industrial activities. Feeney's Boat Yard, the last active ship building company on the Rondout Creek, is located here.

Water-dependent industrial and commercial development will be encouraged along Wilbur's waterfront. Mixed water-enhanced commercial and residential uses will be located on the north side of Abeel Street.

2. Wilbur/Rondout Link

East of the Wilbur neighborhood lies a narrow coastal area which supports marinas and includes a city park.

Water-dependent commercial and recreational facilities such as marinas and boat launch sites are appropriate in this area. Water-enhanced uses, such as restaurants, will also be encouraged to locate in this area as support for marinas and water-related activities.

3. Rondout

The Rondout neighborhood, located along the Rondout Creek from Hudson Street on the west to the north-south arterial on the east, and extending in some places as far as 2,000 feet from the Creek, was once the center of a major water-based transportation system. Today this area is, perhaps, the most significant neighborhood within the City's coastal area.

Proposed land uses for the immediate waterfront include mixed uses of compatible activities. Water-dependent commercial use areas along the waterfront, such as marinas and wholesale fish markets, now exist. Continued growth of such activities will be encouraged. These uses will be supplemented by water-enhanced residential and commercial activities. The development of water-dependent recreation uses, including

a public park on Island Dock and public docking, is proposed to support and enhance mixed commercial and residential uses in this area of the waterfront.

Further inland, where the relationship to the water becomes less relevant, non-water related commercial and residential activities will be permitted.

4. **West Strand/Broadway**

The West Strand/Broadway sub-area of the Rondout is the current center of activity along the Rondout Creek waterfront. This location is the focus and stimulus for the redevelopment of the waterfront of Kingston. See Rondout District Map.

Proposed uses for the West Strand-Broadway area include water-dependent commercial and recreational uses, such as public docking. Water-enhanced activities, such as restaurants and specialty retail shops, will supplement the primary water-dependent uses. Residential uses will be permitted as part of a mixed use redevelopment of historic buildings and the vacant land on the east side of Broadway north of East Strand.

5. **East Strand**

East Strand includes that area between the North/South Arterial and the Ponckhockie neighborhood at Catherine Street, extending back from the waterfront to Hasbrouck Park.

This area includes the Hudson River Maritime Museum, the Trolley Museum, and the Rondout Visitors Center of the Kingston Urban Cultural Park. It also includes the Millens Steel Company and the Cornell Steamship Company buildings, as well as vacant land on the north side of East Strand adjacent to the arterial. Proposed uses for this area include water-dependent industrial, commercial and recreational activities along the waterfront, with mixed residential and commercial activities proposed for those vacant areas north of East Strand. The Trolley Museum will be encouraged to expand north of East Strand, with trolleys providing access north to Kingston Point and the Hudson River coastal area.

6. **Ponckhockie**

The Ponckhockie neighborhood is the second major residential settlement along the Rondout Creek and was established to support the industries along the Hudson River. This sub-area extends 1,500 feet inland from the Rondout Creek.

Water-dependent commercial, industrial, utilities and recreational uses are proposed as being appropriate land uses for the Ponckhockie waterfront.

Further away from the waterfront, residential, commercial, and other non-water-dependent uses will be permitted.

7. **Kingston Point**

Kingston Point is a peninsula situated at the mouth of Rondout Creek. Most of this area along the waterfront is occupied by recreational and conservation uses. Until recently, industrial uses located on the peninsula were dependent on water transport. The physical results include large storage tanks and docking facilities. The need for these industrial facilities has been eliminated and therefore the opportunity for a change in land use to water-dependent recreation is proposed in the land use plan. This change in use, however, is dependent upon the availability of funding and the availability of the property for purchase.

8. **Hudson River Waterfront**

The Hudson River sub-area extends 1,200 to 2,600 feet from the waterfront. Elevation varies by as much as 350 feet in this area and has been terraced by mining activities.

At present, the Hudson River waterfront area is proposed for water-dependent and enhanced recreational uses and other compatible uses that will increase public access to and public enjoyment of this area. There has been some discussion of the adaptive reuse of the Hutton Brickyard for water-enhanced commercial activities (hotel/convention center) by private developers. Such a proposal would be evaluated for compatibility with adjacent land uses and provision of water-dependent recreational activities.

Areas on the west side of North Street and further north, in the abandoned mining areas, are proposed for activities which are not water-dependent and which could be screened from view of the Hudson River waterfront and the Mid-Hudson Historic Shorelands Scenic District.

B. **PROPOSED PUBLIC AND PRIVATE PROJECTS**

Kingston's waterfront has been undergoing a slow redevelopment process for many years. This process has involved urban renewal, public improvements, and, more recently, private investment. The Local Waterfront Revitalization Program will crystalize this trend into a cohesive effort. The following list of proposed public and private sector projects will enhance, encourage, and contribute to the redevelopment of Kingston's waterfront.

Description of Projects

The location of the following projects are identified on Map 8.

KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM PROPOSED PUBLIC and PRIVATE PROJECTS

LEGEND

- Corp. Boundary
- Coastal Boundary
- Centerline of Hudson River

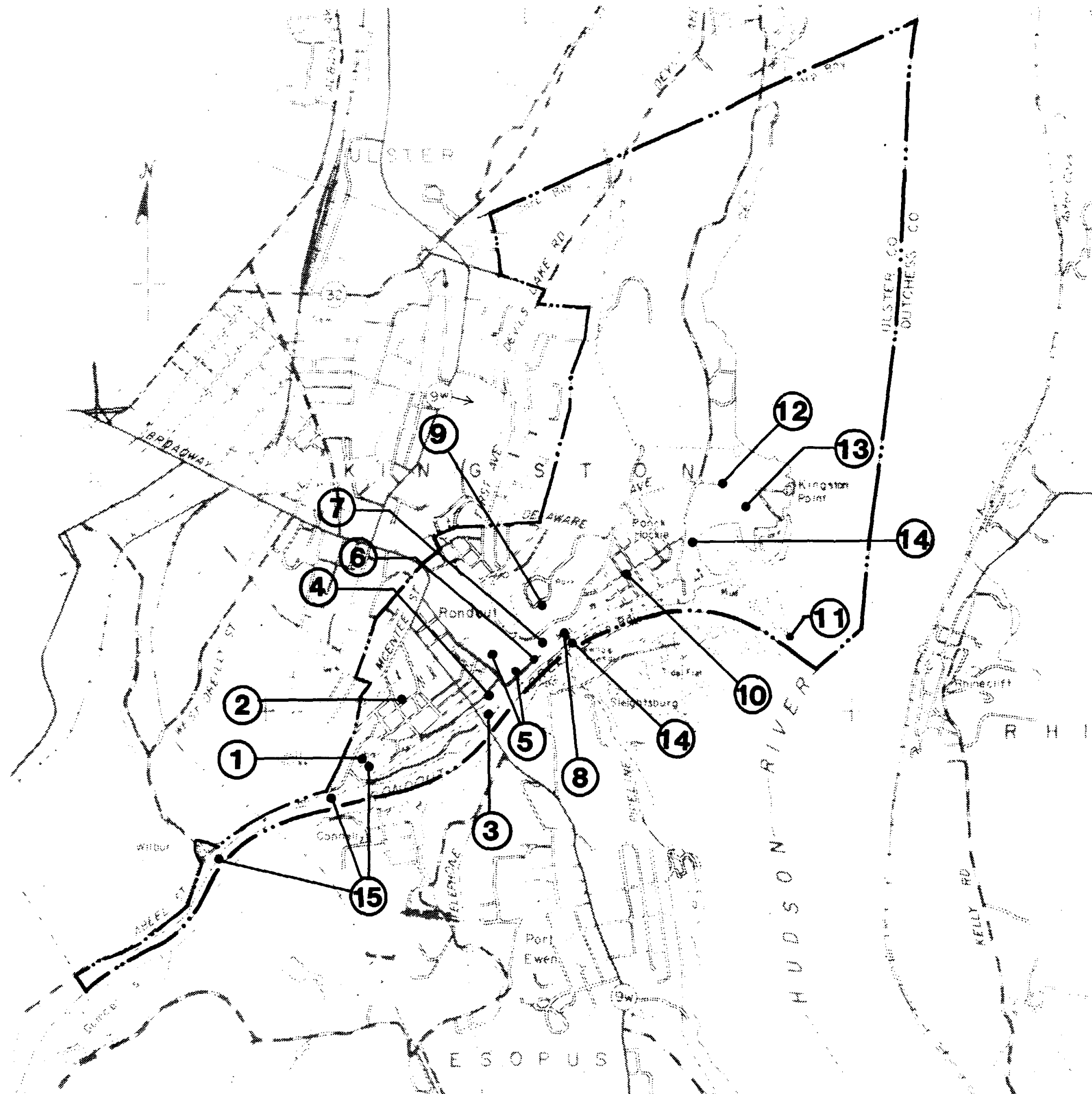
- 1 Block Park Improvements
- 2 Rondout Neighborhood Improvements
- 3 Island Dock Park
- 4 West Strand Park
- 5 Urban Renewal Parcels 8, 11 & 12
- 6 East Strand Parking
- 7 Trolley Museum
- 8 Sewage Treatment Plant Improvements
- 9 Hasbrouck Park
- 10 Ponckhockie Neighborhood Improvements
- 11 Lighthouse Pier
- 12 Delaware Avenue Street Improvements
- 13 Kingston Point Park
- 14 Sewer Improvements

0 2000 6000

SCALE: 1" = 2000'



DATE 10/16/85 SHEET NO. 8



1. **Block Park Improvements**

Block Park will be upgraded as part of the Kingston Urban Cultural Park Program. Improvements will include paving the access road and parking area, repairing picnic shelters and playground equipment and removing outdated or ineffective equipment.

Additional play equipment will be added and the ballfield will be upgraded and bleachers refurbished. See Sheet 9.

Removal of wading pool, concrete track and shed	\$ 10,000.00
Rehab Picnic Shelter	50,000.00
Rehab handball wall	5,000.00
Rehab play structures	1,000.00
General upgrade of playground including new equipment	35,000.00
Upgrade ballfield including new infield, rehab bleachers and backstop	15,000.00
General upgrading of park lawn, new plantings	30,000.00
New picnic tables, benches and trash receptacles	5,000.00
Pave parking lot including curbs & striping	25,000.00

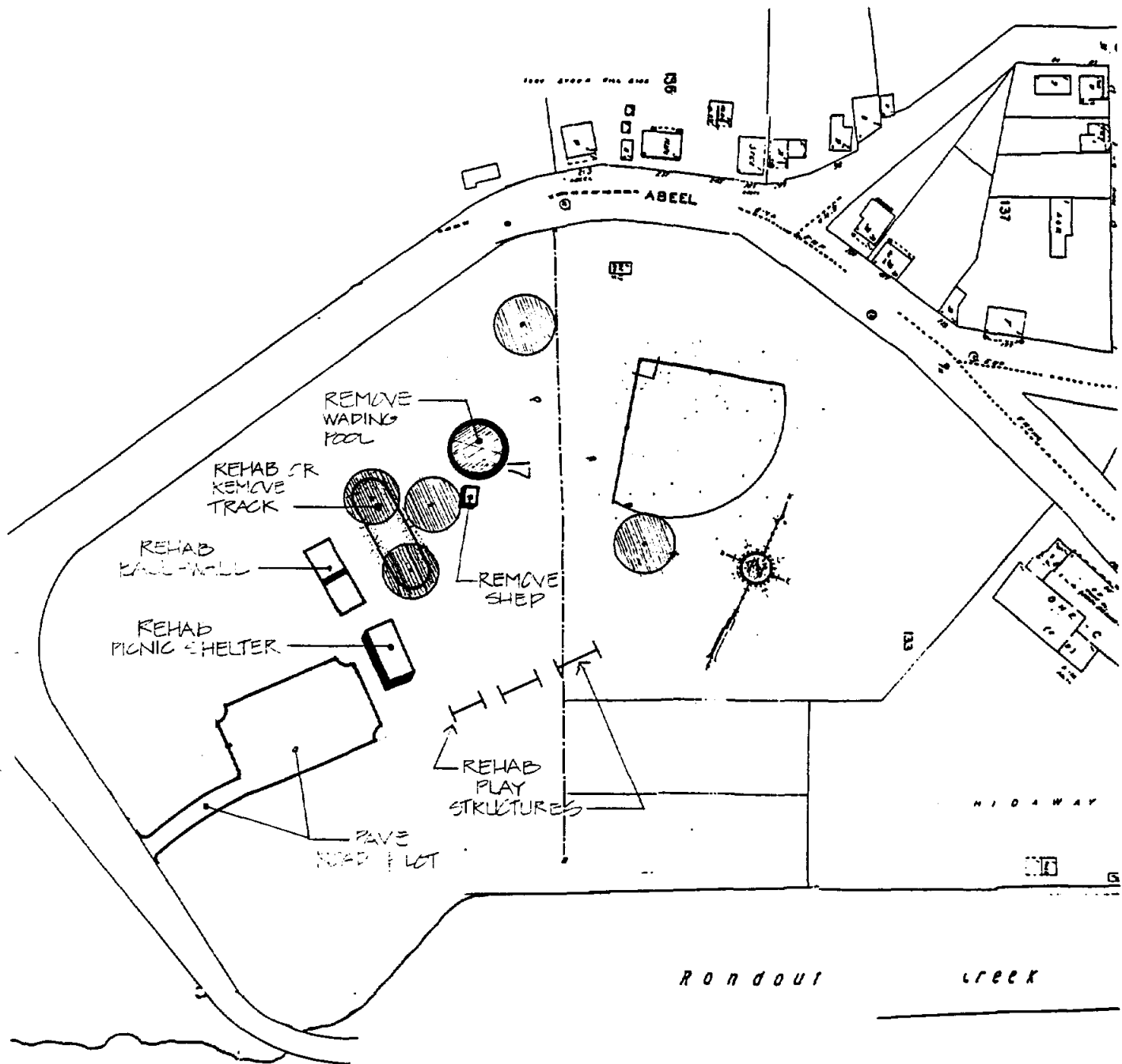
Subtotal	\$ 176,000.00
+ 15 % contingency	25,000.00
Design fees	10,000.00
TOTAL	\$ 211,000.00

2. **Rondout Neighborhood Improvements**

The Rondout neighborhood is an important part of Kingston's waterfront. Tours have been developed which highlight the most important assets and best interpret this area's waterfront-related history.

Through the federal Small Cities Community Development Program, the City of Kingston will be making numerous street improvements as part of a comprehensive program for the Rondout neighborhood. Public projects will include sidewalks, curbs, and landscaping. Approximately \$100,000 has been budgeted for these improvements.

The City of Kingston also administers two rehabilitation programs which serve the Rondout neighborhood. Through the Rehabilitation Loan Program, low and moderate income homeowners may apply for low interest loans for the rehabilitation of their buildings. The Rehabilitation Demonstration Job Training Program will provide both



PROJECT NO. 1
BLOCK PARK
DATE: 10/14/85
SHEET NO. 9

rehabilitation services and job training for the unemployed. Total costs for this phase of Rondout's rehabilitation effort are approximately \$195,000.

3. Island Dock Park

As part of the Kingston Urban Cultural Park Program, the eastern tip of Island Dock will be purchased and developed as a park in conjunction with the private redevelopment of the island.

Island Dock Park will feature paths, benches, and picnic tables. Interpretive signage will also be installed at strategic locations overlooking West Strand and other relevant historic resources. The somewhat remote location will necessitate a restroom facility which will be serviced by public utilities. Bulkhead repair will also be required to stabilize the island against future decay.

The island will be accessed via an existing road from the mainland or by boat. The park will also include a public dock. See Sheet 10, Island Dock Park.

Rough estimates for the construction of Island Dock Park are as follows:

Reconstruct bulkheads 500 = 180/lf	\$ 90,000.00
Restroom facilities Lump sum	80,000.00
Paths 600 lf x 10/lf	60,000.00
Grading, topsoiling & seeding disturbed areas	30,000.00
Planting	20,000.00
Interpretive signage	7,000.00
Picnic tables, benches, trash receptacles	23,000.00
<hr/>	
Subtotal	\$ 310,000.00
+ 15 % contingency	40,000.00
Design fees	30,000.00
<hr/>	
TOTAL	\$ 380,000.00

4. **West Strand Park**

A public plaza and park have been created adjacent to Rondout Creek as part of a major redevelopment program for the West Strand/Broadway Area. The rehabilitation of the Freeman Building, Mansion House, and other West Strand buildings has stimulated renewed interest in adjacent areas.

Future plans include extending the plaza and the waterfront walk eastward to connect with the Maritime Museum. An unused paved area beneath the NYS Route 9W Bridge will be converted into parking for the Maritime Museum and the West Strand area.

To the west of the plaza the waterfront walk along the north side of Rondout Creek will be extended as far as the Port Ewen Suspension Bridge. These improvements to West Strand Park will complement the development of Island Dock Park. See Sheet 11.

Rough estimates for West Strand Park expansion are as follows:

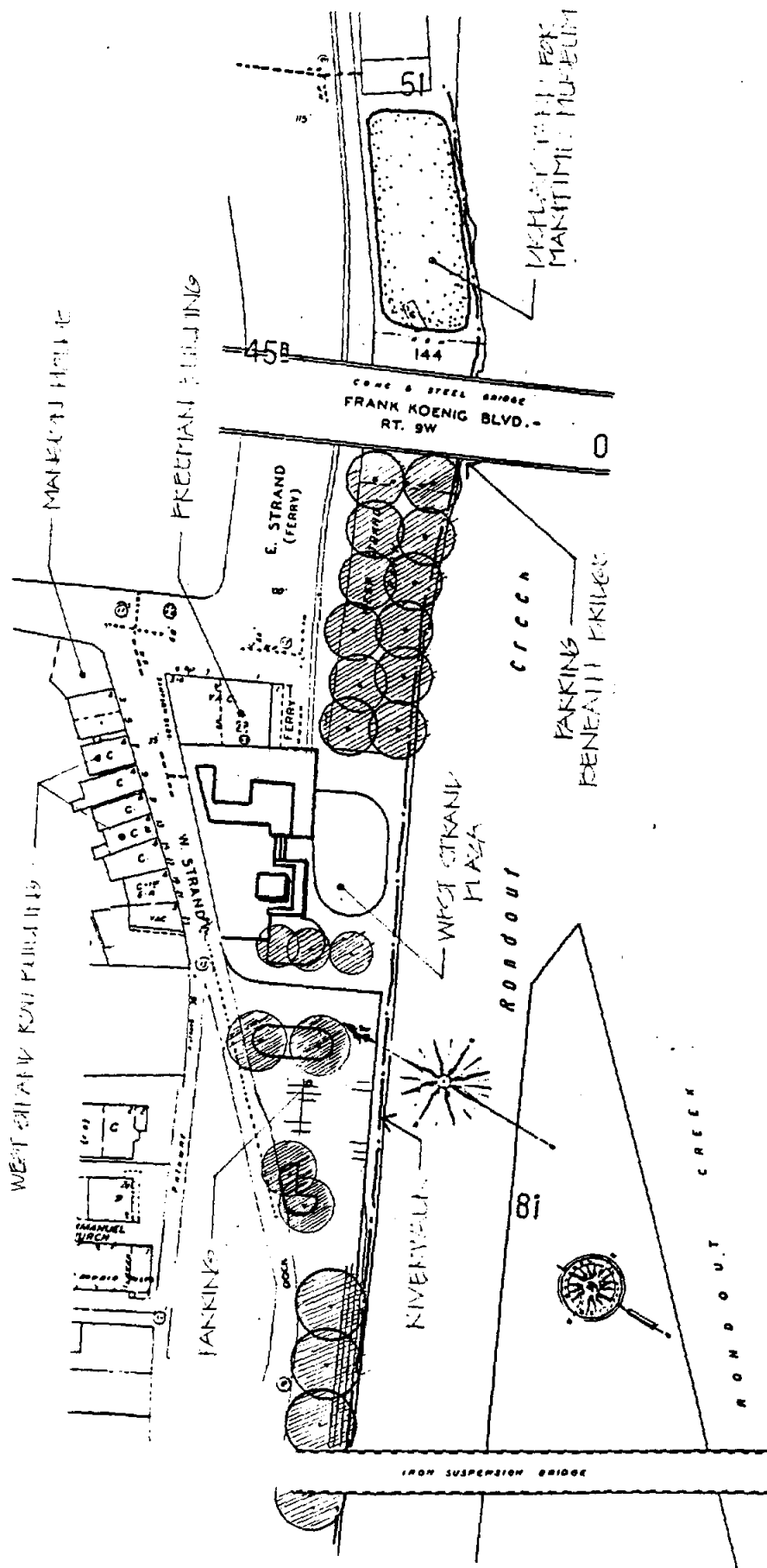
Bank stabilization - 150' x \$200/1f =	\$ 30,000.00
Walkway construction - 150' x \$ 33/1f =	5,000.00
Benches, trash receptacles	5,000.00
Redefine parking area beneath bridge including walkway special paving, etc.	15,000.00
Lawns and planting	10,000.00
Subtotal	\$ 65,000.00
+ 15 % contingency	10,000.00
Design fees	7,000.00
TOTAL	\$ 82,000.00

5. **Redevelopment of Urban Renewal Parcels 8, 11 & 12**

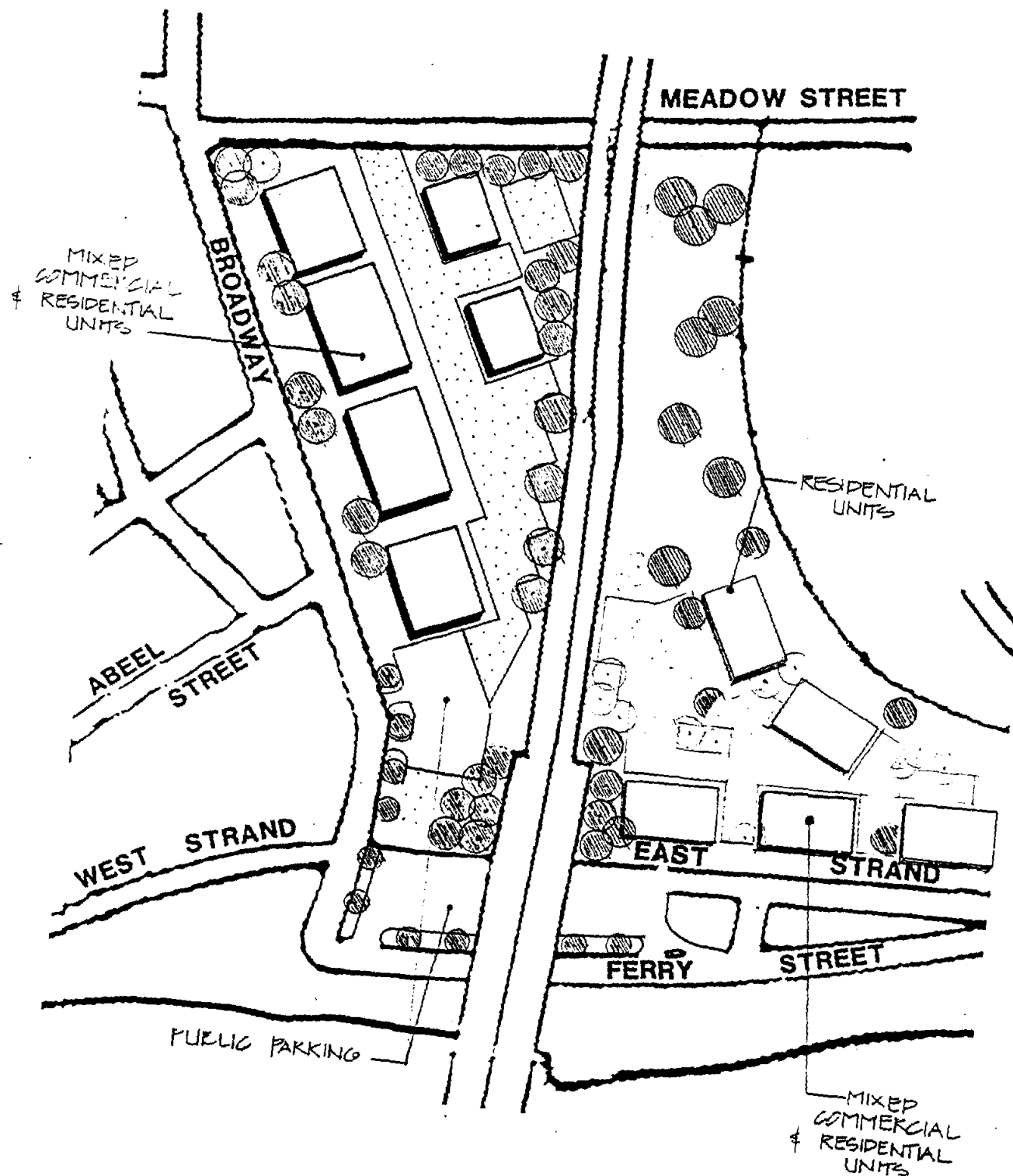
As part of the Broadway Urban Renewal Project, proposals have been solicited and received for the redevelopment of two major parcels of land adjacent to the Rondout Creek waterfront. This development will include a mixed use of residential, commercial, and office space. Parking for the proposed development will be located in the rear of the development.

An area beneath the NYS Route 9W bridge on the north side of East Strand has been set aside to provide for current and future public parking needs of the West Strand and Broadway commercial areas and is part of the redevelopment of this area.

The estimated cost of this entire development project is \$10,000,000. See Sheet 12.



PROJECT NO. 4
 WEST STRAND PARK
 DATE: 10/14/85
 SHEET NO. 11



PROJECT NO. 5
URBAN RENEWAL PARCELS 8, 11 & 12
DATE: 10/14/85
SHEET NO. 12

6. **East Strand Parking**

The revitalization of the Rondout waterfront has already begun with the rehabilitation of the West Strand and the construction of West Strand Plaza. Public docking has also been expanded and the tour boat has become a popular feature of the waterfront once again. The demand for parking for these facilities, as well as for the Hudson River Maritime Museum and the Trolley Museum is already surpassing the existing facilities.

The City of Kingston proposes to remove the traffic island in the East Strand and construct approximately 100 new parking spaces. The estimated cost of these new parking spaces is approximately \$25,000.

7. **Trolley Museum**

Interest in the revitalization of Kingston's railroad lines by a number of railroad enthusiasts and entrepreneurs resulted in the establishment of the Kingston Trolley Museum. Currently operating from an old caboose, the company plans to construct a building within the next five to ten years. Short-term plans include the continued restoration of existing rail lines and beds in the Kingston Point and Hutton Brick Yard area.

The rail line to Kingston Point is located on a peninsula between the Rondout Creek and Kingston Marsh. Restoration of these lines will eventually permit the trolley to travel within walking distance of docking facilities at the point. The trolley will bring visitors to and from the day liner/cruise ships and West Strand area/Broadway area.

The improvements to the rail line to the north will skirt the west side of the Kingston Marsh and extend up the the Hutton Brick Yard where interpretive information will describe the role of the Hudson River and industry in the development of Kingston as a major river port.

It is anticipated that the adaptive reuse of the Hutton Brick Yard will also generate visitors who will use the trolley as transportation to and from the Hutton Brick Yard and the West Strand/Broadway area.

This development will not only attract railroad enthusiasts to the waterfront, but also expose them to the nature conservation area and the history of transportation and industry and its role in establishing Kingston as the gateway to the Catskills.

Long-term plans include the construction of an interpretive visitors center which will focus on railroads and their role in the development of the Kingston area, as well as railroading in general. The anticipated cost of these facilities is \$300,000 including building and related site work.

8. Sewage Treatment Plant Improvements

The City of Kingston is currently under Consent Order to make certain additions and alterations to the existing Sewage Treatment Plant. Such improvements shall provide for increased capacity (4.8 MGD to 6.0 MGD), greater removal efficiencies, and enhanced worker safety.

Planned improvements include:

- Improvement to the grit remover;
- The addition of an aeration tank with a new, fine bubble aeration system and rebuilt blowers;
- The addition of a secondary settling tank;
- Pump station upgrade (completed);
- Replacement of sludge pump motors and controls (completed);
- New ultraviolet disinfection system; and
- Related plumbing and electrical improvements

Estimates for these improvements total approximately \$4,000,000.

9. HASBROUCK PARK

As part of the Kingston Urban Cultural Park Program, Hasbrouck Park will be upgraded for use as a passive overlook to the Rondout Creek and Hudson River valleys. Currently, this park is underutilized as a unique opportunity for family activity. Improvements to the park will include clearing vegetation to open up views to the Rondout/Hudson River Valleys and providing interpretive information related to the history of both waterways and Kingston in the development of New York State.

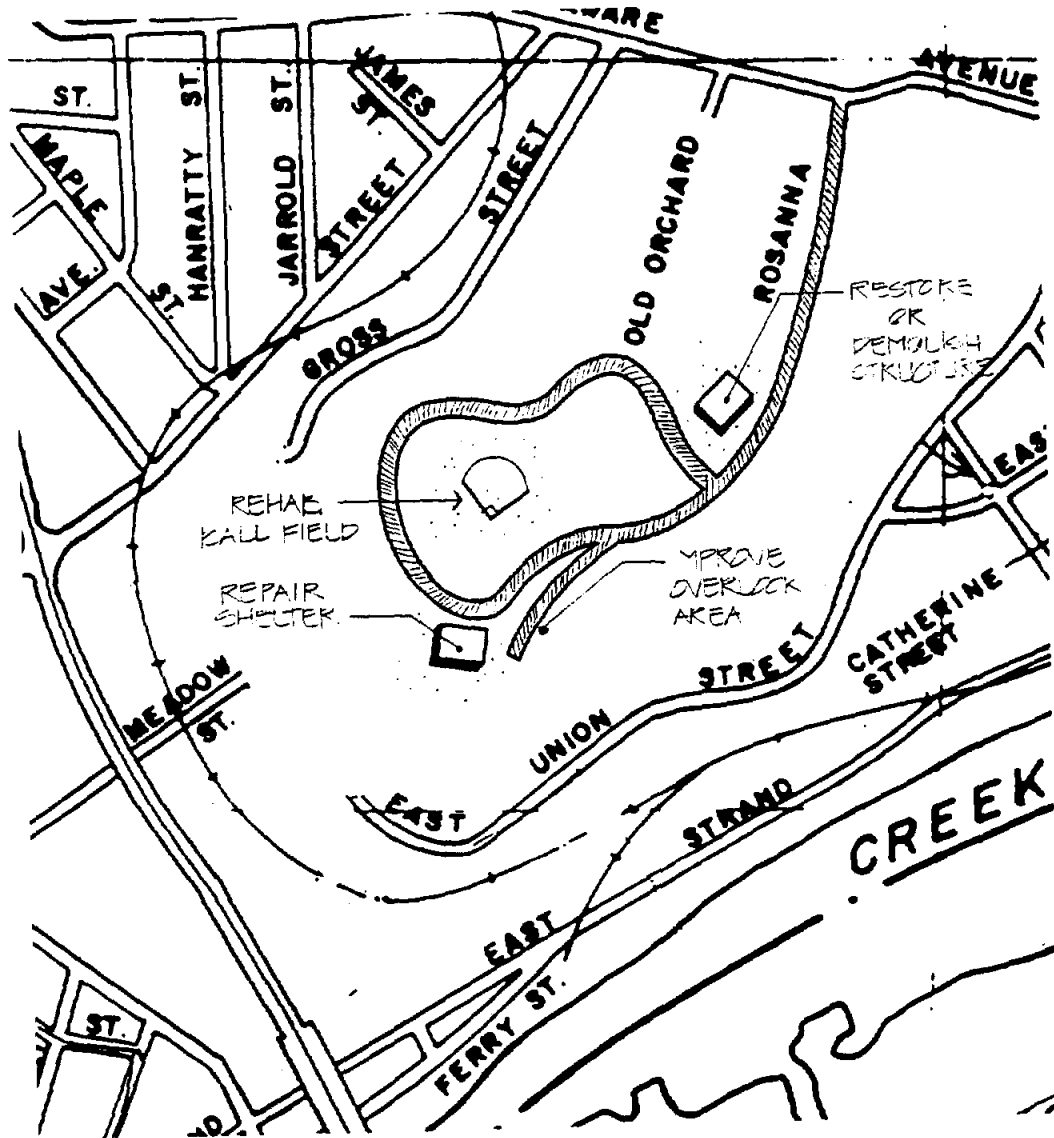
Existing roads, ballfields and picnicking facilities will be upgraded and plantings added. An existing building which has been severely vandalized will be evaluated for possible reuse or removal. See Sheet 13.

The rough estimates for improvements to Hasbrouck Park are as follows:

Repair shelter	\$ 15,000.00
Rehabilitate baseball field including infield, bleachers, backstop	15,000.00
Improve overlook area	
Clearing & grubbing	1,000.00
Construction of walls for safety	20,000.00
Interpretive signage	10,000.00
Special pavements	5,000.00

Plantings	5,000.00
Restore park building	50,000.00
Picnic tables, benches and trash receptacles	20,000.00
Upgrade entrance road	20,000.00
Misc. signage and repairs	15,000.00

Subtotal	<u>\$176,000.00</u>
+15 % contingency	26,000.00
Design fees	20,000.00
=====	
TOTAL	\$222,000.00
=====	



PROJECT NO. 8
HASBROUCK PARK
DATE: 10/14/85
SHEET NO.13

10. Ponckhockie Neighborhood Improvements

The Ponckhockie neighborhood originally provided housing for employees of the brick and cement companies along the Hudson River.

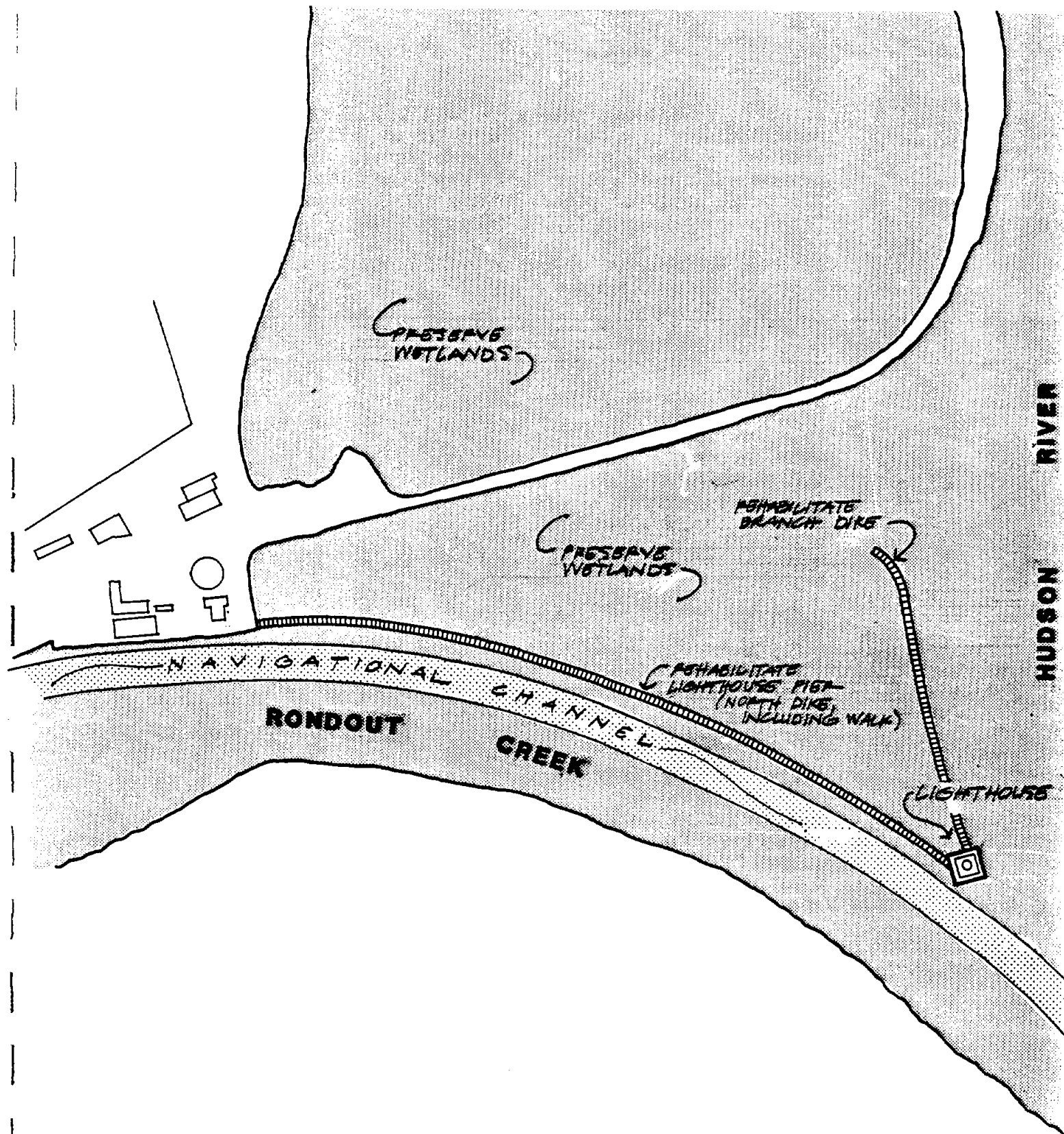
The City of Kingston, through the Small Cities Program, is conducting a rehabilitation program in the Ponckhockie neighborhood. As in the Rondout neighborhood, this program will not only provide for the rehabilitation of existing residential buildings, but also provide training for Kingston's citizens in the field of building rehabilitation.

The City of Kingston, through the Small Cities Program, is proposing a sidewalk improvement project for the Ponckhockie neighborhood. This type of public improvement will support rehabilitation efforts and encourage further private investment in this coastal neighborhood. Total cost of these improvements is approximately \$100,000.

11. Lighthouse Pier

The Kingston Maritime Museum in cooperation with the City of Kingston has leased the lighthouse at Kingston Point from the U.S. Coast Guard. The museum will operate the lighthouse as a satellite facility.

The City of Kingston proposes to establish a pedestrian access to the lighthouse by rehabilitating a dike which once served this purpose. The lighthouse and dikes to be renovated are located on the edge of freshwater wetlands areas at the outlet of the Rondout Creek. This area is also proposed as a significant wildlife habitat. Since there are potential adverse impacts to these habitats, reconstruction of the dikes must be undertaken in such a manner as to minimize and mitigate such impacts. A concrete pier has been donated to the City and will to be set on what remains of the former dike to provide adequate and safe access. The new dike will also provide additional recreational opportunities as a fishing pier. Estimated cost for repair to the dike and setting the pier by the City is approximately \$1,100,000 as follows:



PROJECT #11
LIGHTHOUSE PIER
DATE 10/16/85
SHEET #14

Bulkhead Restoration	
Straightening Close Row Piles	\$ 405,000.00
Raising Bulkhead	228,800.00
Backfill	32,595.00
Utilities	
Conduit	4,356.00
Electrical Service Cable	56.10
Ground Wire	660.00
Telephone Cable	462.00
Water Service	3,454.00
Pull Box	1,000.00
Concrete Encasement	8,965.00
Concrete Deck Placement Off Loading at Storage Area	24,000.00
Movement to Site and Placement	200,000.00
Finish Work	
Asphalt Wearing Surface	22,820.00
Lighting	9,640.00
Railings	110,000.00
Benches	15,000.00
Trash Receptacles	4,000.00
TOTAL	\$1,070,808.10

12. Delaware Avenue Street Improvements

As part of the overall improvements being made to the Kingston Point area, the City of Kingston proposes to reconstruct lower Delaware Avenue. Delaware Avenue is the only access road to Kingston Point Park and is on a bus route which provides public access to the waterfront and recreational facilities provided at the Park. This work will include stabilization of the base and a new wearing surface. The estimated cost for improvements to Delaware Street is \$30,000.

13. Kingston Point Park

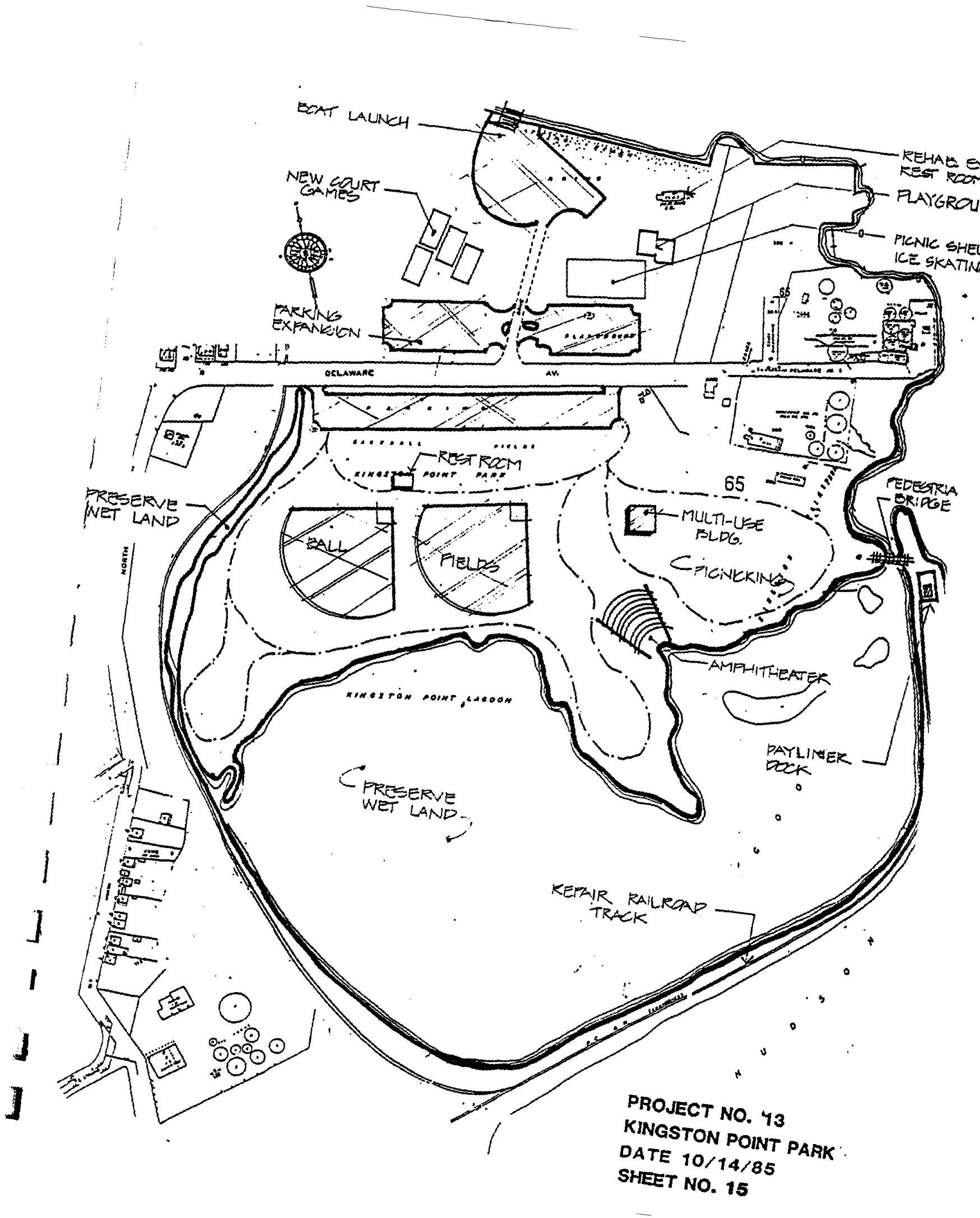
Historically, Kingston Point Park focused on the waterfront and docking facilities for day liners which brought visitors primarily from downstate to visit Kingston and travel onto the Catskill Mountains via the railroad.

Since the late 1970's, the City of Kingston has been rebuilding a portion of the park which had been used as a landfill. This area, combined with the public beach and wetland, becomes the largest park in the City of Kingston. To date, emphasis has been placed on promoting active recreation. Future improvements will focus on more passive

recreation, educational programs and improving, rehabilitating, and redeveloping the beach area and former day liner dock. See Sheet 15.

The rough estimates for improvements to Kingston Point Park are as follows:

Multi-use building - including utilities, deck and observation area, etc.	\$ 1,000,000.00
Day liner pier - piling, controlled fill, wood-decking barrier	950,000.00
Pier facilities - fishing pier, bridge rehabilitation of trolley building, gazebo lighting, benches and trash receptacles	800,000.00
Concession, restroom, maintenance and storage building near ballfields	120,000.00
Play Areas	100,000.00
Trails and Walkways	500,000.00
Picnic areas - picnic tables, trash receptacles benches and grills	70,000.00
Gazebos (Picnic Shelter)	50,000.00
Lighting walkways	500,000.00
Entrance, internal and interpretive signage	70,000.00
Planting - trees and topsoiling, grading and seeding in areas not already seeded in landfill area (ballfield area)	400,000.00
900 seat amphitheater including band shell, lighting, sound system, stage and storage building, walk, lighting, etc.	800,000.00
Demolition of existing road and construction of asphalt road	100,000.00
Construction of bleachers for ballfields	10,000.00
Four (4) tennis courts with sealer and lighting	150,000.00
Walkway with lighting adjacent to tennis courts, etc.	20,000.00
Top courses of asphalt paving for parking lots	100,000.00
Wall for handball, squash, paddleball, racquetball	60,000.00
Picnic Shelter	120,000.00
Ice Skating Rink, 80' x 180'	1,100,000.00
<hr/>	
Subtotal	\$ 6,820,000.00
+15 % Contingency	1,023,000.00
Design Fees	784,000.00
<hr/>	
TOTAL	\$ 8,627,000.00



PROJECT NO. 43
KINGSTON POINT PARK
DATE 10/14/85
SHEET NO. 15

14. Sewer Improvements

As part of its ongoing program to upgrade Kingston's sanitary sewer system and eliminate pollution into the Rondout Creek, the City proposes improvements to the collection system within the coastal area.

Kingston proposes further improvements to three combined sewer overflows into the Rondout Creek at:

- Rondout Arterial
- Wilbur Avenue
- Broadway

The estimated cost for these improvements is \$500,000. These improvements will provide for greater public health safety during wet weather, and enhanced aesthetics.

15. Rondout Creek Harbor Management Plan

Marinas are scattered along the Creek, and proposals for new marinas are appearing regularly. The Creek may soon be used to capacity for recreational boating. To address the concerns of boaters, commercial shippers, developers and government regulators, this project would: (1) inventory existing conditions in and along the Creek, and analyze the significant issues and needs, including shortages of docking space, impediments to navigation, inefficient mooring arrangements, fish and wildlife protection, use conflicts, traffic volume and regulation, inadequacy of pump-out facilities, etc.; (2) establish objectives for managing the harbor and protecting its resources; and (3) develop the necessary mechanisms to achieve those objectives, including a water use map, design standards for harbor facilities, local laws and regulations, administrative provisions, and procedures for policing traffic on the Creek. The total cost of this project is estimated to be \$50,000.

PROPOSED PUBLIC AND PRIVATE PROJECTS

PROJECT	SPONSOR	COST EA. IN 000
1. Block Park Improvements	City of Kingston	211 ¹
2. Rondout Neighborhood Improvements	City of Kingston	195 ²
3. Island Dock Park	Private Developer	380 ^{1,4}
4. West Strand Park	City of Kingston	82 ²
5. Urban Renewal Parcels	East Nyack Holding Co.	10,000
6. East Strand Parking	City of Kingston	25
7. Trolley Museum	Trolley Museum	300 ³
8. Sewage Treatment Plant Improvements	City of Kingston	4,000
9. Hasbrouck Park	City of Kingston	222 ¹
10. Ponckhockie Neighborhood Improvements	City of Kingston	100 ²
11. Light House Pier	Maritime Center & City of Kingston	1,100
12. Delaware Avenue Street Improvements	City of Kingston	30
13. Kingston Point Park	City of Kingston	8,796
14. Sewer Improvements	City of Kingston	500
15. Rondout Creek Harbor Management Plan	City of Kingston	50

NOTE 1 These improvements are part of the City of Kingston's Urban Cultural Park. Improvements will be made to each park as the Urban Cultural Park programs grows to encompass the uses and programs for each site.

NOTE 2 These projects are funded each year. The level of funding and the activity will vary with the needs of the neighborhood on a year-by-year basis. The amounts shown are those allocated to the related project during the 1985-86 funding period.

NOTE 3 The Trolley Museum improves tracks and trackside areas each year. The effort is voluntary in nature, and no costs have been identified.

NOTE 4 This cost does not include the price of acquisition.

SECTION V

LOCAL TECHNIQUES FOR IMPLEMENTING THE LWRP

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LOCAL WATERFRONT REVITALIZATION PROGRAM

1. Existing Local Laws and Regulations

The following existing local laws and regulations will contribute to the implementation of the Local Waterfront Revitalization Program.

a. Zoning Ordinance

- (1) The City's existing Zoning Ordinance regulates overall land use, intensity of use, and accessory uses (buildings, appurtenances, structures) in the coastal area. This ordinance establishes general land use zones which apply to the entire City with overlays which focus on special issues or areas. Zones within Kingston's Coastal Area include:

- (a) RRR - One Family Residence
- (b) R-1 - One Family Residence
- (c) R-2 - Two Family Residence
- (d) R-4 - Two-Story Multiple Residence
- (e) R-5 - Three-Story Multiple Residence
- (f) R-6 - Multiple Residence
- (g) C-2 - Central Commercial
- (h) C-3 - General Commercial
- (i) RT - Rondout District
- (j) M-2 - General Manufacturing
- (k) RLC - Mixed Use District
- (l) Landmark Stockade Historic and Architectural Design Overlay District in Conjunction with the Landmark and Historic Districts

The purpose of this section is to provide for the promotion of the educational, cultural, economic, and general welfare of the public through the protection, enhancement, perpetuation, and preservation of Historic and Architectural Design Districts. The legislative body declares that it is in the public interest to insure that the distinctive and historical character of these Historic and Architectural Design Districts shall not be injuriously affected, that the value to the community of those buildings with architectural and historical worth shall not be impaired, and that said Historic and Architectural Design Districts be maintained and preserved to promote their use of the education, pleasure, and welfare of the citizens of the City of Kingston and others.

(m) **Flood Hazard Overlay District**

The purpose of the Flood Hazard Overlay District is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed: (1) to protect human life and health; (2) to minimize expenditure of public money for costly flood control projects; (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (4) to minimize prolonged business interruptions; (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard; (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; (7) to insure that potential buyers are notified that property is in an area of special flood hazard; and (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) **The Kingston Zoning Regulations contain supplementary regulations which contribute to the implementation of the Local Waterfront Revitalization Program, as follows:**

(a) **Site Development Plan Approval**

The general guidelines for site plan review by the City Planning Board are set forth in this section. Of particular relevance are those subsections which discuss the design of structures, maintaining and enhancing neighborhood character, and maintaining existing trees and outdoor lighting.

(b) **Off Street Parking and Loading**

Guidelines set forth requirements for screening and landscaping layout and lighting of parking lots and loading facilities relative to uses allowed in the City of Kingston.

(c) **Sign Regulations**

Design guidelines for signs set forth requirements for size, type, location, relationship to architectural details, and illumination.

The purpose of this subsection is to enhance the City's physical appearance while encouraging the most effective use of illumination, to preserve the historic and architectural heritage of the City, and prevent distractions and hazards.

(d) Open Storage

This subsection limits the location of open storage to commercial and industrial zoning districts, requires screening, and establishes minimum requirements.

(e) Landscaping Requirements

This subsection requires planting for all non-residential uses, and establishes minimum requirements for landscaping for the purpose of minimizing erosion and improving the aesthetics of such development.

- (3) The Kingston Zoning Ordinance, through overlay districts, encourages the redevelopment of the waterfront by water-dependent and water-enhanced uses, and encourages increased access to the waterfront by the general public. Landmarks and historic districts will be protected and enhanced through architectural review procedures. Areas subject to flooding are also addressed to protect human life and health, and resources. Recreation facilities are encouraged along the waterfront, and the visual quality of Kingston's coastal area will be protected and enhanced.

b. Planning Board

- (1) The City of Kingston has established a Planning Board to review site plans for all new construction and changes of land use within its corporate boundary. The Planning Board reviews projects for circulation, layout, and conformance with the zoning ordinance.
- (2) Many of the issues relevant to the Local Waterfront Revitalization Program will be addressed through City Planning Board review. Proposed site improvements within the coastal area will be reviewed for proper drainage, shorefront design, circulation, erosion control, access to the waterfront, and visual qualities. Goals and objectives set forth in the Local Waterfront Revitalization Program will become a part of the review process undertaken by the Planning Board. See Appendix D.

c. Sewer Connections Ordinance

- (1) The City of Kingston has established minimum construction standards for making connections to sewer mains and requires inspection of all sewer connections.
- (2) This ordinance contains standards which are designed to minimize pollution of water resources from sanitary sewer connections. In doing so, this ordinance protects the quality of both waterways and underground water resources.

d. Disposal of Wastes Ordinance

- (1) The City of Kingston has regulated the disposal of solid wastes under its Garbage, Refuse, and Landfills Ordinance. No wastes, including filthy water and liquid, shall be deposited in any stream or brook.
- (2) This ordinance prohibits the pollution of water bodies by the disposal of solid wastes.

e. Environmental Conservation Commission

- (1) The City of Kingston has established an Environmental Commission to advise the Common Council on matters affecting the preservation, development, and use of natural and man made resources within the City.
- (2) As one of the City's most valuable natural resources, the waterfront benefits from the protection provided by this commission.

2. Additional Local Laws and Regulations Adopted

To ensure implementation of the program's various coastal policies, the City enacted two new zoning districts that will cover the entire length of the City's Hudson River and Rondout Creek waterfronts, and a local "consistency law." A general description of these amendments are provided below.

a. Waterfront Zoning Districts

The City has enacted two new waterfront zoning districts along the entire length of the City's Hudson River and Rondout Creek waterfronts. The two zoning districts are the RF-R Rondout Riverfront District and the RF-H Hudson Riverfront District. The purpose of the two zoning districts is to afford priority to water-dependent uses, provide additional public access to the coastal area, control development, create distinct Hudson River and Rondout Creek waterfront

districts, and to implement the policies and purposes of the City's LWRP. Further, it is the purpose of the districts to provide opportunities for permanent public views and access to the Hudson River and Rondout Creek and to encourage the phasing out of certain uses which are incompatible with, and detract from, the Hudson River and Rondout Creek waterfront areas. See Sheet 16 for location of the new zoning districts.

b. City of Kingston Waterfront Consistency Review Law

A local law establishing consistency requirements and review procedures for City actions involving the waterfront area was adopted for implementation of the LWRP regarding actions of the City. This local law will require of each board, department, office, officer or other body of the City of Kingston that its actions to directly undertake or to permit, fund or otherwise approve any project, use or activity within the waterfront area be consistent to the maximum extent practicable with the State and local coastal policies set forth in the City of Kingston Local Waterfront Revitalization Program. To this end, the LWRP Consistency Law establishes procedures for:

- (1) initial review of proposed actions in a manner compatible with requirements of the State Environmental Quality Review Act (SEQRA) and Title 6, Part 617 NYCRR;
- (2) advisement and assistance to applicants (if involved) and/or the boards, the departments, offices, officers or other bodies of the City involved regarding forms, procedures, etc.; and
- (3) LWRP consistency and SEQRA review through the City Urban Cultural Parks Commission and the local lead agency respectively.

B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LOCAL WATERFRONT REVITALIZATION PROGRAM

In addition to the local laws and regulations listed above, a number of other public and private actions will be necessary to implement the Local Waterfront Revitalization Program.

1. Local Government Actions Necessary to Implement the Local Waterfront Revitalization Program

a. Urban Cultural Park Management Plan

- (1) The implementation of the Urban Cultural Park Management Plan, adopted in 1986, will contribute to economic development of the

waterfront. Interpretive programs will highlight the importance of the waterfront in the growth of Kingston and New York State. This activity will bring visitors to the coastal area which, in turn, will stimulate its economic development. The Urban Cultural Park Management Plan will also involve direct economic development activities. As the economy of the area changes, non-conforming uses will tend to relocate as the demand for more water-dependent or enhanced uses makes the land which they occupy more valuable for development.

- (2) The Urban Cultural Park Management plan includes improvements to waterfront parks and areas within the Local Waterfront Revitalization Program area. Plans for the Kingston Point Park, West Strand, and Island Dock Park will include elements to increase public access to the waterfront. Supported private actions will include rehabilitation of railroad travel (i.e., Trolley Museum) as a tourist attraction to waterfront areas. These types of activities will not only increase public access to the waterfront, but will encourage private investment in water related development. See Appendix N.

b. Master Plan Update

- (1) A City's Master Plan should provide direction and focus on the policy and development issues which are most important to the community's future. The existing City of Kingston Master Plan was published in 1961. Many goals and objectives identified in the plan have been accomplished or abandoned. The Local Waterfront Revitalization Program and Urban Cultural Park Management Plan will make the Master Plan outdated. Once these programs are in place, the City of Kingston Department of Planning should begin the process of updating of the City Master Plan.
- (2) The present City Master Plan is generally supportive of Local Waterfront Revitalization Program policies. The updated Master Plan will, however, focus more clearly on goals and objectives contained in the Local Waterfront Revitalization Program.

c. Waterfront Design Plan

A Waterfront Design Plan should be produced to provide a physical plan and detailed design standards for waterfront redevelopment, following the policies and goals set forth in the Local Waterfront Revitalization Program.

d. Additional National Register Nomination

- (1) Kingston's waterfront played a major role in making the City a gateway to the Catskill Mountains. The Urban Cultural Park includes much of the Rondout Creek Waterfront and some of the Hudson River Waterfront. The Local Waterfront Revitalization Program area includes the Rondout and Chestnut Street Historic Districts. Efforts are proposed to extend the historical district nominations to Wilbur, parts of Ponckhockie, and an extension of the Rondout Historic District. Efforts to include additional buildings and areas to the National Register of Historic Places will begin once the Urban Cultural Park Management Plan is adopted.
- (2) The stabilization and adaptive reuse of buildings within the Kingston waterfront are important to its economic growth and redevelopment. Adding these built resources on the National Register will encourage the protection, restoration, and enhancement of these historic structures.

e. Bulkhead Repair

- (1) As part of public improvements to waterfront parks and other public lands along the Rondout Creek and Hudson River, the City of Kingston will systematically repair bulkhead sections. Repairs to publicly-owned bulkheads and shoreline stabilization have been given the following priority:
 - 1st priority: 1000 feet of shoreline from West Strand Park west
 - 2nd priority: Continuing westward along Dock Street to Ravine Street
 - 3rd priority: From the Railroad Bridge west to Davis Street in the Wilbur neighborhood
- (2) This activity is required to stabilize the shoreline and will encourage public access to and use of the waterfront.

f. Public Projects

- (1) All other public actions are described in Section IV.B "Projects".

g. Harbor Management Plan for the Rondout Creek

- (1) The City has taken steps to start a jointly prepared harbor management plan with the Towns of Esopus and Ulster. It is anticipated that the harbor management plan will, among other things, provide guidance in managing boat traffic, general harbor uses, navigational aides, optimum location and number of boat support structures such as docks, piers, moorings, and boat pump-out facilities. The harbor management plan will provide opportunity to identify various alternatives for optimum harbor use, while at the same time analyzing probable environmental effects of these alternatives. Creating such a plan subsequent to the development and adoption of the Kingston LWRP will allow the benefit of formally incorporating the policies of the LWRP and help minimize adverse environmental effects of creek use and creek waterfront development.
- (2) Currently, marinas are scattered along the Creek, and proposals for new marinas are appearing regularly. The Creek may soon be used to capacity for recreational boating. To address the concerns of boaters, commercial shippers, developers, and government regulators, this project would: (1) inventory existing conditions in and along the Creek, and analyze the significant issues and needs, including shortages of dock space, impediments to navigation, inefficient mooring arrangements, fish and wildlife protection, use conflicts, traffic volume regulation, inadequacy of pump out facilities, etc.; (2) establish objectives for managing the harbor and protecting its resources; and (3) develop the necessary mechanisms to achieve those objectives, including a water use map, design standards regulations, administrative provisions, and provisions for policing and enforcing the harbor management local law on the Creek.

2. Private Actions Necessary to Implement the Local Waterfront Revitalization Program

a. Rehabilitation of Buildings

- (1) The rehabilitation of buildings in the Wilbur, Rondout and Ponckhockie neighborhoods is primarily the responsibility of the private sector. The City, through the Small Cities Program, has participated in this endeavor through loans, demonstration projects, and grants.

b. Bulkhead Repair

- (1) The repair of bulkheads along the Rondout Creek is a private sector responsibility as much as it is a public sector issue. As properties are improved along the Rondout Creek, owners will be required to repair and rehabilitate the bulkheads adjacent to their properties.
- (2) The repair of bulkheads along the Rondout Creek is essential to protect the shoreline and private investment and to preserve the waterway.

In 1978 the City of Kingston commissioned a study of the shoreline structures and embankments along the Rondout Creek. The study included both public and private lands. The following is the general results of this study:

TYPE	EXTENT OF DAMAGE	TOTAL LENGTH*		
		% Total	Feet	Action
1. Bulkheads	Severe	20%	10,000	Reconstruct
Type (A)	Moderate	4	2,000	Repair
Wood Piles				
2. Dikes	Severe	10%	5,000	Reconstruct
Type (B)	Moderate	2%	1,000	Repair
Wood Piles				
3. Bulkhead	Little	2%	1,000	Maintenance
Type (C)	None	2%	1,000	None
Sheet Piles				
Steel				
4. Embankment	Severe	20%	10,000	New Rip-Rap
Type (E)	Moderate	10%	5,000	Add Rip-Rap
Rip-Rap				
5. Miscellaneous	Severe	6%	3,000	Reconstruct
Structures	Moderate	4%	2,000	Repair
6. Undamaged		10%	5,000	Maintenance
Structures		10%	5,000	None
or Embankments				
		100%	50,000	1.f.

* Since this study, the City of Kingston has repaired or replaced approximately 160 linear feet of bulkhead Type (A) wood piles.

c. Relocation of Non-Conforming Uses

- (1) The City of Kingston, through the existing and proposed zoning ordinances, has and will discourage further development of non-conforming uses in the waterfront district. The relocation of existing non-conforming uses is an action to be taken by the private sector. As the City encourages water-related uses to locate along the Rondout Creek and Hudson River, property values will rise until it becomes more economically viable for water-related uses to replace existing non-conforming uses.
- (2) The relocation of non-conforming uses and the establishment of sound water-related businesses and uses will develop the highest and best use for the waterfront land. This process will insure that economically viable uses will locate and remain as water dependent and enhanced uses along the Rondout Creek Hudson River.

d. Other Private Projects

- (1) All other private projects are described in Section IV B Projects.

C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LOCAL WATERFRONT REVITALIZATION PROGRAM

1. Waterfront Lead Agency and Designated Local Official

The City's Office of Planning and Engineering will function as the lead agency in managing the Local Waterfront Revitalization Program and coordinating activities related to it. The City Planner, as director of that agency, will be designated as the local official responsible for administering the Local Waterfront Revitalization Program.

Kingston's small size and limited municipal budget make the creation of a new, staffed operation infeasible and unwarranted. The fact that the City's planning and engineering functions are combined under one office will make coordination of Local Waterfront Revitalization Program matters even more efficient. This office already deals with the majority of issues which are pertinent to the Local Waterfront Revitalization Program.

2. Assignment of Specific Responsibilities

The complexity and far-reaching nature of the Local Waterfront Revitalization Program will result in the involvement of several agencies, boards, and individual officials. Therefore, effective coordination of the Local Waterfront Revitalization Program requires that, in addition to designating a lead agency and official, specific responsibilities be identified and assigned wherever possible.

The action will eliminate confusion and duplication of effort and will also establish accountability among various participants in the management process. A summary of functional assignments follows:

a. City Council

By virtue of its legislative authority, the Council exercises ultimate control over all other agencies described in this section. Only the Mayor, who is elected separately, is outside this mandate. Even the Mayor's actions, as they relate to the Local Waterfront Revitalization Program, are governed by this document and parameters imposed by the legislation which created various other agencies listed below.

The City Council, therefore, has ultimate responsibility for the implementation of the Local Waterfront Revitalization Program. This responsibility is exercised through the other City agencies listed in this section in the manner described. The Council relates to these agencies as the body to which any appeals to agency actions are referred and as the body to which these same agencies themselves must appeal in cases where the actions of others prevent them from properly carrying out their Local Waterfront Revitalization Program responsibilities. The Council also exercises legislative and budgetary control over these agencies.

b. Mayor

The Mayor's relationship with the Council is one in which he/she must seek their approval in the form of funds and/or legislation for major projects within the coastal area and other Local Waterfront Revitalization Program-related initiatives.

The Mayor, on the other hand, exercises immediate and direct control over the Office of Planning and Engineering, the Department of Community Development, and other City departments mentioned in this section. The Mayor also exercises indirect control or influence over the Preservation, Environmental Conservation, and Urban Cultural Park Commissions by appointing the members of those commissions.

As the City's chief elected official, the Mayor is responsible for overseeing the administration of all municipal laws, regulations, and programs. The Local Waterfront Revitalization Program will fall within this mandated responsibility.

In his/her capacity as the City's Chief Executive, the Mayor is in the position to exercise considerable leadership in guiding the implementation of both the spirit and the letter of the Local Waterfront Revitalization Program.

c. City Planning Board

The Planning Board receives staff services from the Office of Planning and Engineering. From time to time, the Board hears presentations by or receives comments from the other City departments and commissions listed in this section.

Since the Planning Board already deals with permits, development plans, variances, and public facilities, review of items pertaining to the waterfront will frequently require that the Board take additional factors which pertain to waterfront use and construction into consideration, utilizing special guidelines outlined in the Local Waterfront Revitalization Program.

Planning Board actions are open to review by the City Council. All Board actions are communicated to both the Council and the Mayor.

d. Office of Planning and Engineering

As designated lead agency, it will be this office's responsibility to see that all other City agencies are informed and up to date on Local Waterfront Revitalization Program-related actions. Planning and Engineering staff will monitor the Local Waterfront Revitalization Program-related actions of all other City agencies to insure that these actions are consistent with the program and that adequate communication between and among all agencies is maintained.

e. Department of Community Development

The department will confer with the Office of Planning and Engineering on Local Waterfront Revitalization Program-related matters. The department will also seek comments and/or approval from other City departments and commissions on items which fall within their purview.

As it does on all matters, the department will answer directly to the Mayor on Local Waterfront Revitalization Program-related issues and indirectly to the City Council.

f. Landmark Preservation Commission

Historic preservation within the coastal zone will enhance the value and viability of Kingston's waterfront resources and is consistent with the goals and objectives of the Local Waterfront Revitalization Program.

The Landmarks Commission exercises first-instance responsibility in matters falling within its mandate. Matters involving major construction are referred to the Planning Board for further approval. That Board considers Landmark's comments in the disposition of such requests. The Landmarks Commission also seeks or hears comments from the other City agencies on issues which relate to their primary areas of responsibility.

g. Urban Cultural Park Commission

The Urban Cultural Park Commission was created to oversee the Urban Cultural Park's operation and implementation of the Urban Cultural Park Management Plan. Because of the nature of the Urban Cultural Park program, the Commission's areas of concern overlap those of the other agencies listed in this section.

The Commission receives staff services from the Office of Planning and Engineering and will contract with the Departments of Parks and Public Works for maintenance services within priority areas of the park.

With respect to the Local Waterfront Revitalization Program, the Urban Cultural Park Commission will function as the City agency that makes recommendations for consistency of actions with the City's LWRP as prescribed by the City's Waterfront Consistency Review Law. In addition, the Urban Cultural Park Commission will function as a supportive and interested agency whose goals and objectives are consistent with and whose responsibilities overlap those of the Local Waterfront Revitalization Program.

The Urban Cultural Park Commission's concern and support will be reflected primarily in the form of comments on proposed Local Waterfront Revitalization Program actions, cooperation with other agencies in the implementation of certain of those actions, and the initiation of projects which are of direct or indirect benefit to the Local Waterfront Revitalization Program.

h. Conservation Commission

This commission will function as a resource to the Urban Cultural Park Commission on conservation-related matters and will also receive comments from that commission and other agencies listed in this section.

With respect to the Local Waterfront Revitalization Program, the Conservation Commission will function as an additional protective mechanism for the coastal zone and the appropriate conservation of environmental resources within the waterfront area.

3. Procedures to Ensure Local Compliance

Local Waterfront Revitalization Program compliance procedures are distinct but integrally tied to the State Environmental Quality Review procedures. The Urban Cultural Park Commission is separate from the lead agency designated for the purposes of the SEQRA in that the Urban Cultural Park Commission only makes recommendations as to an action's consistency with the Local Waterfront Revitalization Program.

All City agencies contemplating a direct action within the coastal area or receiving an application for approval (in the form of a permit, license, etc.) of an action by others shall follow review and certification procedures set forth in the City's Waterfront Consistency Review Law and SEQRA.

a. Notification

These procedures call for the submittal of a completed Coastal Assessment Form (CAF) to the Office of Planning and Engineering.

b. Review

The Urban Cultural Park Commission will review all CAFs related to development in the coastal area to determine if proposed actions are consistent to the maximum extent practicable with policies and provisions contained in the City's approved Local Waterfront Revitalization Program.

Based on this review, the Urban Cultural Park Commission shall make a determination of consistency with the LWRP. Copies of this determination will be submitted to the lead agency, the Planning Board, and other interested agencies.

c. Certification

A Determination of Consistency will be issued by the lead agency within the time period allowed by the Waterfront Consistency Review Law.

d. Dispute

Unresolvable disputes between a lead agency and the Office of Planning and Engineering or Urban Cultural Park Commission may be referred to and resolved by the City Council.

e. Action

Contemplated actions may not be taken or approved by City agencies until the procedures outlined above and described in detail in the Waterfront Consistency Review Law are followed in their entirety.

4. Procedures for Reviewing State and Federal Actions

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

a. Purposes of Guidelines

- (1) The Waterfront Revitalization of Coastal Resources and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain State agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- (2) 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.
- (3) 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.

b. Definitions

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.

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;
- (3) That will result in an overriding regional or statewide public benefit; and
- (4) That will advance one or more of the other coastal policies.

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.

c. Notification Procedure

- (1) When a state agency is considering an action described in (b) above, the state agency shall notify the affected local government.
- (2) Notification of a proposed action by a state agency shall fully describe the nature and location of the action; shall be accomplished by use of either

the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government; and should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages 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.)

- (3) 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.

d. Local Government Review Procedure

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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 (e) 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.

e. Resolution of Conflicts

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 fifteen days, notify both parties of his/her findings and recommendations.

- (6) The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

Procedural Guidelines for Coordinating New York State Department of State and Local Waterfront Revitalization Program Consistency Review of Federal Agency Actions

a. 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 local coordinator of an approved LWRP and to 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 the LWRP 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.

b. 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 the LWRP 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 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 reason why a proposed action may be inconsistent or consistent with the LWRP policies.
 - (5) After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with the LWRP 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" to the applicant.
 - (7) A copy of the DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

c. 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 the LWRP 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.

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LOCAL WATERFRONT REVITALIZATION PROGRAM

1. Proposed Projects

a. Block Park Improvement

● Kingston General Fund	\$ 94,050
● Urban Cultural Park	22,900
● Small Cities	94,050

Total Project Cost	\$ 211,000
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Funding Availability

Block Park is located within a Small Cities target area. Activities and facilities which will accommodate use by residents of the entire City will be funded by the Small Cities Program (i.e., ballfields and parking lot rehabilitation). Those items which are more likely to be utilized by the immediate neighborhood (i.e., playgrounds) will be funded by the City. Part of the City funds will be accommodated by in-kind services, thereby lowering funds required from the General Fund. Block Park is also within the Urban Cultural Park boundary and is, therefore, eligible for Urban Cultural Park matching grants.

The expenditure of these funds is projected over an eight-year period.

b. Rondout Neighborhood Improvements

(1)	Street Improvements	
	• Small Cities	\$ 100,000
(2)	Rehabilitation Loan Program	
	• Small Cities	80,000
(3)	Rehabilitation Demonstration	
	• Job Training Program	
	Small Cities	15,000
Total Project Cost		<hr/> \$ 195,000

Funding Availability

The Rondout Neighborhood Improvement Program items are part of the 1985 Small Cities Application for the City of Kingston. Funding levels in future years for these projects will change due to community priorities, completion of the programs, and availability of Small Cities funds.

c. Island Dock Park

•	Private Investment	\$ 204,000
•	Kingston General Fund	342,000
•	Urban Cultural Park	38,000
Total Project Cost		<hr/> \$ 380,000

Funding Availability

Island Dock Park is part of the Urban Cultural Park Plan. As such, it is eligible for matching Urban Cultural Park grants. Island Dock is proposed to be developed as part of the private development on Island Dock. No such developer has been identified. Local funding will be covered in part by in-kind labor, thereby reducing the funds required from the Kingston General Fund.

d. West Strand Park

● Kingston General Fund	\$ 36,400
● Small Cities	36,400
● Urban Cultural Park	9,200
Total Project Cost	<u>\$ 82,000</u>

Funding Availability

The completion of West Strand Park is part of the Urban Cultural Park Plan. As such, it is eligible for Urban Cultural Park matching grants. This park is also within a Small Cities target area. Small Cities funds can, therefore, be utilized to finance elements of this project. Monies from the General Fund will be reduced by in-kind labor and potential private contributions.

e. East Strand Parking

● Kingston General Fund	\$ 22,500
● Urban Cultural Park	2,500
Total Project Cost	<u>\$ 25,000</u>

Funding Availability

The provision of public parking is part of the Urban Cultural Park Plan. As such, it is eligible for Urban Cultural Park grants. Monies from the General Fund will be reduced by in-kind labor.

f. Redevelopment of Urban Renewal Parcels 8, 11, and 12

● Private Financing	\$ 10,000,000
Total Project Costs	<u>\$ 10,000,000</u>

g. Trolley Museum

● Private Financing	\$ 270,000
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• Urban Cultural Park	30,000
Total Project Costs	<u>\$ 300,000</u>

Funding Availability

The expansion of the Trolley Museum is a private venture, however, this project is part of the Urban Cultural Park Program. Expansion of the interpretive programs and facilities which house them are eligible for Urban Cultural Park matching grants. The expenditure of these funds is projected over an eight-year period. The construction of the major museum facility is projected for 1990.

h. Hasbrouck Park

• General Funds	\$ 199,800
• Urban Cultural Parks	22,000
Total Project Costs	<u>\$ 222,000</u>

Funding Availability

Hasbrouck Park is part of Kingston's Urban Cultural Park Plan. As such, it is eligible for Urban Cultural Park matching grants. Local match will include in-kind labor and contributions, thereby reducing the amount which must come from the General Fund.

i. Sewage Treatment Plant Improvements

Total Project Costs (approximately) \$4,000,000

Funding Availability

Aspects of the sewage treatment plant improvements have been completed. Funding for total completion of the project components is accounted for and available.

j. Ponckhockie Neighborhood Improvements

(1) Sidewalk Improvements

• Small Cities	\$ 85,000
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(2) Rehabilitation Demonstration

- Job Training Program
- Small Cities

15,000

Total Project Costs \$ 100,000

Funding Availability

The Ponckhockie Neighborhood Improvements Programs are part of the 1985 Small Cities application for the City of Kingston. Funding levels for these projects may change in future years.

k. Lighthouse Pier

- General Funds \$ 223,600
- Urban Cultural Park 110,000
- U.S. Army Corps of Engineers 766,400

Total Project Costs \$ 1,100,000

Funding Availability

The utilization of the lighthouse as an interpretive center and access to it are parts of the Kingston Urban Cultural Park Program. As such, the lighthouse pier is eligible for Urban Cultural Park matching grants. The U.S. Army Corps of Engineers has agreed to reconstruct the piling, backfilling, and bulkhead to control the navigational channel. Local costs will be covered in part by the General Fund and in part by in-kind labor. Local contributions are now being sought to further reduce the local match required.

l. Delaware Avenue Street Improvements

- State Consolidated Highway Improvement Program \$ 30,000

Total Project Costs \$ 30,000

Funding Availability

This project has been submitted to the State as part of the City's Street Improvement Program.

m. Kingston Point Park

- General Fund \$ 3,943,200
- Small Cities 3,943,200

●	Urban Cultural Park	859,600
●	Private Donations	50,000
	Total Project Costs	<hr/> \$ 8,796,000

Funding Availability

Kingston Point Park is a part of the Urban Cultural Park Plan. As such, it is eligible for Urban Cultural Park matching grants. The community recreation facility is also located within a Small Cities target area and is, therefore, also eligible for Small Cities funding. Potential funding is also available from the N.Y.S. Department of Environmental Conservation for cooperative boat access projects. At present, the park has been approved for approximately \$100,000 in the 1986 Small Cities grant for the construction of a restroom/storage building. The local share will be undertaken in part by in-kind labor, thereby reducing the funding required from the City's General Fund. Private donations have been received in the form of plant materials for the park. Further private donations of this type are anticipated.

The expenditure of these funds is projected over an eight-year period.

n. **Sewer Improvements**

Total Project Costs (approximately)	\$500,000
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Funding Availability

To be determined.

o. **Rondout Creek Harbor Management Plan**

Total Project Cost	\$ 50,000
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Funding Availability - Unknown.

2. **Other Public and Private Implementation Acts**

a. **Urban Cultural Park Plan**

The Kingston Urban Cultural Park and the Local Waterfront Revitalization Program area overlaps in some places. The elements of the Urban Cultural Park Plan most relevant to the waterfront program have been identified above. The

Urban Cultural Park plan will include other interpretive, educational, and preservation components which will impact the waterfront area including:

- Cornell Park Improvements
- Shuttle Trolley
- Parking Facilities
- Rondout Visitors Center
- Landscape/Streetscape Improvements
- Signage (directional, interpretive)
- Facade Programs
- Interpretive Programs and Tours
- Educational Programs
- Special Events

b. Master Plan Update

● General Fund	\$ 30,000
Total Project Cost	<u>\$ 30,000</u>

Funding Availability

Funding for this project will come from the Kingston General Fund.

c. National Register Nomination

The Urban Cultural Park and Local Waterfront Revitalization Programs propose that historically and architecturally significant buildings be nominated to the National Register of Historic Places.

General Fund	\$ 3,000
New York State Council on the Arts	7,500
Urban Cultural Park	1,500
Donations	3,000
Total Project Costs	<u>\$ 15,000</u>

Funding Availability

Since this project is a part of the Kingston Urban Cultural Park, it is eligible for Urban Cultural Park matching grants. The preparation and documentation of National Register submissions are an eligible project under the Arts and Architecture Program of the New York State Council on the Arts. Donations of

time and effort have, in the past, been primarily responsible for National Register nominations in Kingston. The City will support this activity by providing in-kind labor and printing costs.

d. **Bulkhead Repair**

Publicly-financed bulkhead and pier repair and shoreline stabilization are included in the projects listed above.

e. **Codes and Ordinances**

Public actions such as the adoption of codes and ordinances associated with the Local Waterfront Revitalization Program will be undertaken by City departments of agencies. No other public acts require financial commitments.

f. **Additional Private Initiatives**

Other private projects will be initiated with private financial resources which will be identified when specific proposals are submitted.

3. **Management of LWRP**

The management of the Local Waterfront Revitalization Program will be undertaken by existing City agencies staff and review boards. No additional funding sources are identified.

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

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

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

A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

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

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

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

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

NEW YORK STATE BRIDGE AUTHORITY

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

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

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

ENERGY PLANNING BOARD AND ENERGY OFFICE

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material

- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

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

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

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

Regulatory Affairs

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

Solid Wastes

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

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill

Prevention and Control Plan

- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
 - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
 - 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
 - 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
 - 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
 - 11.00 Preparation and revision of Continuous Executive Program Plan.
 - 12.00 Preparation and revision of Statewide Environmental Plan.
 - 13.00 Protection of Natural and Man-made Beauty Program.
 - 14.00 Urban Fisheries Program.
 - 15.00 Urban Forestry Program.
 - 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection

and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

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

DEPARTMENT OF HEALTH

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

- 2.00 Permit and approval programs:

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

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

- 2.00 Financial assistance/grant programs:

- 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
- 2.02 Housing Development Fund Programs
- 2.03 Neighborhood Preservation Companies Program
- 2.04 Public Housing Programs
- 2.05 Rural Initiatives Grant Program

- 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

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

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

- 2.01 Establishment and Construction Prior Approval
- 2.02 Operating Certificate Community Residence
- 2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

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

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

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)

3.03 Operating Certificate (Enriched Housing Program)

3.04 Operating Certificate (Home for Adults)

3.05 Operating Certificate (Proprietary Home)

3.06 Operating Certificate (Public Home)

3.07 Operating Certificate (Special Care Home)

3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

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

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DIVISION OF SUBSTANCE ABUSE SERVICES

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

NEW YORK STATE THRUWAY AUTHORITY

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

DEPARTMENT OF TRANSPORTATION

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

- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])
- 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

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

DIVISION OF YOUTH

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

2. **FEDERAL AGENCIES - DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

Army, Navy and Air Force

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

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

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

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

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

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

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

ENVIRONMENTAL PROTECTION AGENCY

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of

pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.

- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

Federal Aviation Administration

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

FEDERAL AGENCIES - FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

10.068	Rural Clean Water Program
10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410	Low to Moderate Income Housing Loans
10.411	Rural Housing Site Loans
10.413	Recreation Facility Loans
10.414	Resource Conservation and Development Loans
10.415	Rural Renting Housing Loans
10.416	Soil and Water Loans
10.418	Water and Waste Disposal Systems for Rural Communities
10.422	Business and Industrial Loans
10.424	Industrial Development Grants
10.426	Area Development Assistance Planning Grants
10.429	Above Moderate Income Housing Loans
10.430	Energy Impacted Area Development Assistance Program
10.901	Resource Conservation and Development
10.902	Soil and Water Conservation
10.904	Watershed Protection and Flood Prevention
10.906	River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

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

- 11.501 Development and Promotion of Ports and Intermodel Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares

- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

B. FEDERAL AND STATE PROGRAMS NECESSARY TO FURTHER THE LWRP

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

1. State Agencies

a. New York State Office of Parks, Recreation and Historic Preservation

The City of Kingston will be submitting its waterfront neighborhoods and landmarks for nomination to the National Register of Historic Places. The Office of Parks, Recreation and Historic Preservation is the first agency to review and process these submittals. Prompt action on these submittals will help to protect and redevelop Kingston's coastal zone in a manner consistent with the preservation policies of the Waterfront Revitalization Program.

The Urban Cultural Park Plan is a major component in the revitalization of Kingston's coastal zone. The funding of the Visitors Center in the Rondout area will stimulate development of transportation systems, businesses and recreation activities in Kingston's waterfront neighborhoods.

b. Department of State

A Harbor Management Study would assist the City of Kingston in utilizing the natural harbor characteristics of the Rondout Creek in the revitalization of this area of the coastal zone. The growth of the boating industry and commercial activities along the Rondout Creek will continue to impact the port area.

Marinas are scattered along the Creek, and proposals for new marinas are appearing regularly. The Creek may soon be used to capacity for recreational boating. To address the concerns of boaters, commercial shippers, developers and government regulators, this project would: (1) inventory existing conditions in and along the Creek, and analyze the significant issues and needs, including shortages of docking space, impediments to navigation, inefficient mooring arrangements, fish and wildlife protection, use conflicts, traffic volume and regulation, inadequacy of pump-out facilities, etc.; (2) establish objectives for managing the harbor and protecting its resources; and (3) develop the necessary mechanisms to achieve those objectives, including a water use map, design standards for harbor facilities, local laws and regulations, administrative provisions, and procedures for policing traffic on the Creek.

A second study to be undertaken with the support of the Department State is a

design study of the Kingston Point Dayliner Dock. Kingston Point Park was the site of important amusement parks and also a stop for day-line ships carrying tourists to and from the Catskills in the late 19th and early 20th centuries. Today the Hudson River is experiencing a resurgence of tour boat traffic, and Kingston, with its historic resources, recreation areas, and tourist-oriented facilities, is developing as a frequent tour destination. This project will develop designs for (1) a reconstruction of a pier at Kingston Point to accommodate large tour boats (500 to 600 feet long, with 15 to 20 foot draft); (2) a reconstruction of the old trolley shed and historic gazebos; and (3) construction of a bridge over an inlet to Kingston Point lagoon so as to link the proposed pier with the park, and also to allow a newly-restored trolley to complete its run to the park.

c. Department of Environmental Conservation

The City of Kingston recently improved its sewage treatment plant. As part of these improvements, beautification measures were proposed to improve the visual image of the facilities. The plant is located in a major activity area for the Kingston Urban Cultural Park and Waterfront Revitalization efforts. The Department of Environmental Conservation funding of this aspect of the wastewater improvement project is required to enhance the aesthetic quality of these facilities as well as their functional qualities.

d. 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.

2. Federal Agencies

a. U.S. Army Corps of Engineers

The Corps of Engineers has agreed to reconstruct the North Pile extending from the mainland on the Rondout Creek to the lighthouse at Kingston Point. This activity is necessary to provide pedestrian access to the Kingston Lighthouse which is operating as a museum attraction, but is only accessible by boat at this time. See Section IV for details.

SECTION VII

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

A. LOCAL CONSULTATION

The Town of Esopus and the Town of Ulster surround the City of Kingston on three sides and border the City's waterfront area on the north along the Hudson River and on the west along the Rondout Creek. The Town of Esopus borders the City of Kingston along the centerline of the Rondout Creek to the south.

The Town of Rhinebeck is located in Dutchess County. The City of Kingston and the Town of Rhinebeck share a common border--the centerline of the Hudson River. All three of these communities have been contacted to discuss issues relating to waterfront development and the Local Waterfront Revitalization Program. No potential conflicts with any of these towns have been identified.

B. REGIONAL CONSULTATION

1. Ulster County Planning Board

The Kingston LWRP Advisory Committee has kept the Ulster County Planning Board apprised of its progress in developing the Local Waterfront Revitalization Program. The County Planner has attended numerous meetings of the Advisory Committee and receives minutes of the Advisory Committee meetings. No potential conflicts with County programs have been identified.

C. STATE AGENCY CONSULTATION

1. Council on the Arts

The New York State Council on the Arts (NYSCA) has been consulted regarding their potential participation in the LWRP. NYSCA's Architecture, Planning and Design Program highlights waterfront development as a special concern. The Council's Director has indicated that the agency's Design Studies project category may be a source of funds for some planning of the waterfront area.

2. Department of Environmental Conservation

The New York State Department of Environmental Conservation functions as a review agency and as a source of funding for wastewater treatment facility improvements. Presently City of Kingston improvements to its sewage treatment plant and sewer lines are being funded through this agency.

During the planning process the Wildlife specialists at the Department of Environmental Conservation assisted in identifying habitats of various fish species in the Hudson River and Rondout Creek. The wetland area on Kingston Point

which supports migratory fowl as well as other wildlife and vegetation indigenous to the area was also discussed.

3. Job Development Authority

4. Office of Parks, Recreation, and Historic Preservation (OPRHP)

OPRHP has funded numerous projects in the coastal area. Examples include Kingston Point Park and West Strand Plaza. The Urban Cultural Park Management Plan and the Local Waterfront Revitalization Program are being developed by the City simultaneously in one coordinated effort. To facilitate coordination, the LWRP Advisory Committee also serves as the UCP Advisory Committee.

In a related area, OPRHP has assisted the City of Kingston in nominating numerous properties within the coastal area to the National Register of Historic Places.

5. Department of Transportation

6. NYS Urban Development Corporation

7. Dormitory Authority

8. Natural Heritage Trust

9. NYS Medical Care Facilities Finance Agency

10. NYS Department of Commerce

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

There does not need to be a reference to the public meetings held in this section of the LWRP. The reference in Section VIII is appropriate.

D. FEDERAL CONSULTATION

1. U.S. Coast Guard

The City of Kingston, in partnership with the Maritime Museum, has recently taken possession of the Kingston Lighthouse, which will be maintained as a museum. The City is working closely with the Coast Guard in ensuring the effective and responsible future for the lighthouse property.

2. U. S. Corps of Engineers

The City of Kingston has been working closely with the Corps of Engineers preparing for the reconstruction of the pier to the Kingston lighthouse. The Corps is concerned over the preservation and maintenance of the navigational channel in the Rondout Creek. As such, the Corps of Engineers proposes to take the responsibility for rebuilding the structural elements of the pier while the city will set the walkway and any amenities on the pier.

E. CONFLICTS

As yet, no conflicts with any other agencies have been identified. Established working relationships with local, regional, state and federal agencies most actively involved in the City's coastal area have enabled the City to maintain a dialogue with these agencies throughout the Local Waterfront Revitalization Program planning process. Issues which might have become conflicts without this communication were addressed and resolved as the Local Waterfront Revitalization Program was developed. Therefore, no identified conflicts exist at this time, nor are any anticipated.

SECTION VIII
LOCAL COMMITMENT

From the beginning of the LWRP project, community leaders realized that the meaningful involvement of both public officials and ordinary citizens, especially those residing within coastal area, was essential to the development of workable program for revitalizing the City's waterfront area. In order to achieve the community commitment needed to make the program a success, the following activities were undertaken.

A. WATERFRONT ADVISORY COMMITTEE

Much of the City's coastal area is also within Kingston's Urban Cultural Park. Planning for the Urban Cultural Park was already well underway when the City became involved in the Local Waterfront Revitalization Program. Since the two programs and areas have so much in common, the responsibilities of the Urban Cultural Park Commission have been expanded to include oversight of the Local Waterfront Revitalization Program.

B. COMMUNITY LEADERS AND PUBLIC OFFICIALS

The LWRP Advisory Committee was composed of community leaders in industry, business, education and historic preservation. A City Alderman also sat on the committee and served as a direct liaison with the City Council. The City Engineer, Planner, Director of Community Development and Commissioner of Public Works attended Advisory Committee meetings and provided the committee with technical assistance and staff support.

C. PUBLIC MEETINGS AND INPUT

All Advisory Committee meetings were open to the Public and were attended by non-committee members who reside or have an active interest in the coastal area. Committee members were also active in the community and discussed LWRP plans and proposals with neighbors, business associates and neighborhood organizations.

The City held a number of hearings to solicit additional comments from the general public prior to finalizing the program. Responses to comments made at these public hearings are detailed in the Final Environmental Impact Statement for the LWRP.

APPENDIX AA

**COASTAL FISH & WILDLIFE HABITAT
RATING FORM, NARRATIVE, AND MAPS**

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Rondout Creek

Designated: November 15, 1987

County: Ulster

Town(s): Esopus, Kingston, Ulster

7½' Quadrangle(s): Kingston East, NY; Kingston West, NY

Score Criterion

- 20 Ecosystem Rarity (ER)
One of the major freshwater tributaries of the Hudson River which is accessible to anadromous fishes, but rarity reduced by human disturbance. Geometric mean: $16 \times 25 = 20$.
- 25 Species Vulnerability (SV)
Osprey (T) concentrate at the mouth of the creek during spring migration.
- 9 Human Use (HU)
Recreational fishing and waterfowl hunting opportunities attract visitors from throughout the mid-Hudson Valley.
- 4 Population Level (PL)
Concentrations of various anadromous and resident freshwater fish species are unusual in Ulster County.
- 1.2 Replaceability (R)
Irreplaceable.
-

$$\begin{aligned}\text{SIGNIFICANCE VALUE} &= [(ER + SV + HU + PL) \times R] \\ &= 70\end{aligned}$$

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

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

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

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

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

DESIGNATED HABITAT: RONDOUT CREEK

HABITAT DESCRIPTION:

Rondout Creek is located on the west side of the Hudson River, on the boundary between the City of Kingston and the Towns of Esopus and Ulster, Ulster County (7.5' Quadrangles: Kingston East, N.Y.; and Kingston West, N.Y.).

The fish and wildlife habitat is an approximate four mile segment of this freshwater tributary, extending from its mouth on the Hudson River to a dam which is located just upstream from the N.Y.S. Route 213 bridge at Eddyville. The habitat boundary along Rondout Creek (and the coastal area boundary from Eddyville Dam to Route 213) follows the tops of the banks. Rondout Creek is a large, medium gradient, perennial, warmwater stream, with a drainage area of over 1,100 square miles, and an average annual discharge volume of approximately 1,600 cubic feet per second. Municipal water withdrawals upstream may reduce flows year-round by as much as 200 cubic feet per second. Most of the habitat is within the tidal range of the Hudson River, and is relatively deep, with a silt and clay substrate. The lower one to two miles of Rondout Creek has been channelized to facilitate barge traffic to adjacent commercial and industrial developments in Kingston. An extensive marsh and mudflat area, locally known as Sleightsburg Marsh, exists at the mouth of the creek. Portions of Rondout Creek and its associated riparian zone remain in a relatively natural condition, but habitat disturbances in the area include dredging, discharges of wastewater from industrial and municipal point sources, and altered flows resulting from upstream impoundments.

FISH AND WILDLIFE VALUES:

Rondout Creek is one of the largest freshwater tributaries of the Hudson River estuary. The considerable length of stream channel accessible to migratory fishes, and the lack of significant human disturbance in the upper portion of the creek, provide favorable habitat conditions for a variety of anadromous as well as resident freshwater fish species. Rondout Creek is an important spawning area for alewife, smelt, blueback herring, white perch, tomcod, and striped bass. Generally, these species enter the stream between March and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the Hudson River. An exception is tomcod, which spawn in the area in December and January. American shad spawn in shallow water areas at the mouth of Rondout Creek. Substantial populations of brown bullhead, yellow perch, sunfish, and smallmouth and largemouth bass, occur in the creek throughout the year.

Freshwater inflows from Rondout Creek are very important for maintaining water quality in the Hudson River estuary. The abundant fisheries resources of Rondout Creek provide significant opportunities for recreational fishing. Although no developed public access facilities exist, the area is popular among anglers from throughout the mid Hudson Valley, especially in spring (March-April) for smelt, herring, and bullhead fishing, and in summer for largemouth and smallmouth bass fishing. Access to the area is available by boat and from many shoreline locations. Wetlands located at the mouth of Rondout Creek are productive feeding areas for a variety of waterfowl species during spring (March-April) and fall (mid-September-early December) migrations.

Although landfilling and waste disposal have eliminated much of the wetland area north of Rondout Creek, sizeable marshes and flats still remain. During spring migration, osprey (T) congregate at the mouth of Rondout Creek where clear water and shallows offer prime foraging conditions. Concentrations of waterfowl in this area attract hunters from throughout the mid Hudson Valley; this is one of about 4 significant waterfowl hunting areas in this region. In addition to these wildlife resources, several rare plant species have been documented in Sleightsburg Marsh.

IMPACT ASSESSMENT:

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

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

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

destroy the habitat; or,

significantly impair the viability of a habitat.

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

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

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

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

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

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

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in Rondout Creek would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in adverse impacts on fish or wildlife populations. Clear water areas at the mouths of tributary streams are important feeding areas for osprey during migration. Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges.

Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from March through July for most warmwater species. Redevelopment of hydroelectric facilities on the creek should only be allowed with run-of-river operations. Barriers to fish migration, whether physical or chemical, would have significant impacts on fish populations in the creek as well as in the Hudson River. Construction of fish passage facilities at the Eddyville dam would be beneficial to a variety of anadromous fish species in the Hudson estuary. Wetlands and shallows at the mouth of Rondout Creek should be protected from further degradation by activities such as dredging, filling (e.g., dredge spoil disposal), bulkheading, waste disposal, and oil spills. Existing areas of natural vegetation bordering Rondout Creek and its tributaries should be maintained to provide bank cover, soil stabilization, and buffer areas. Development of public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

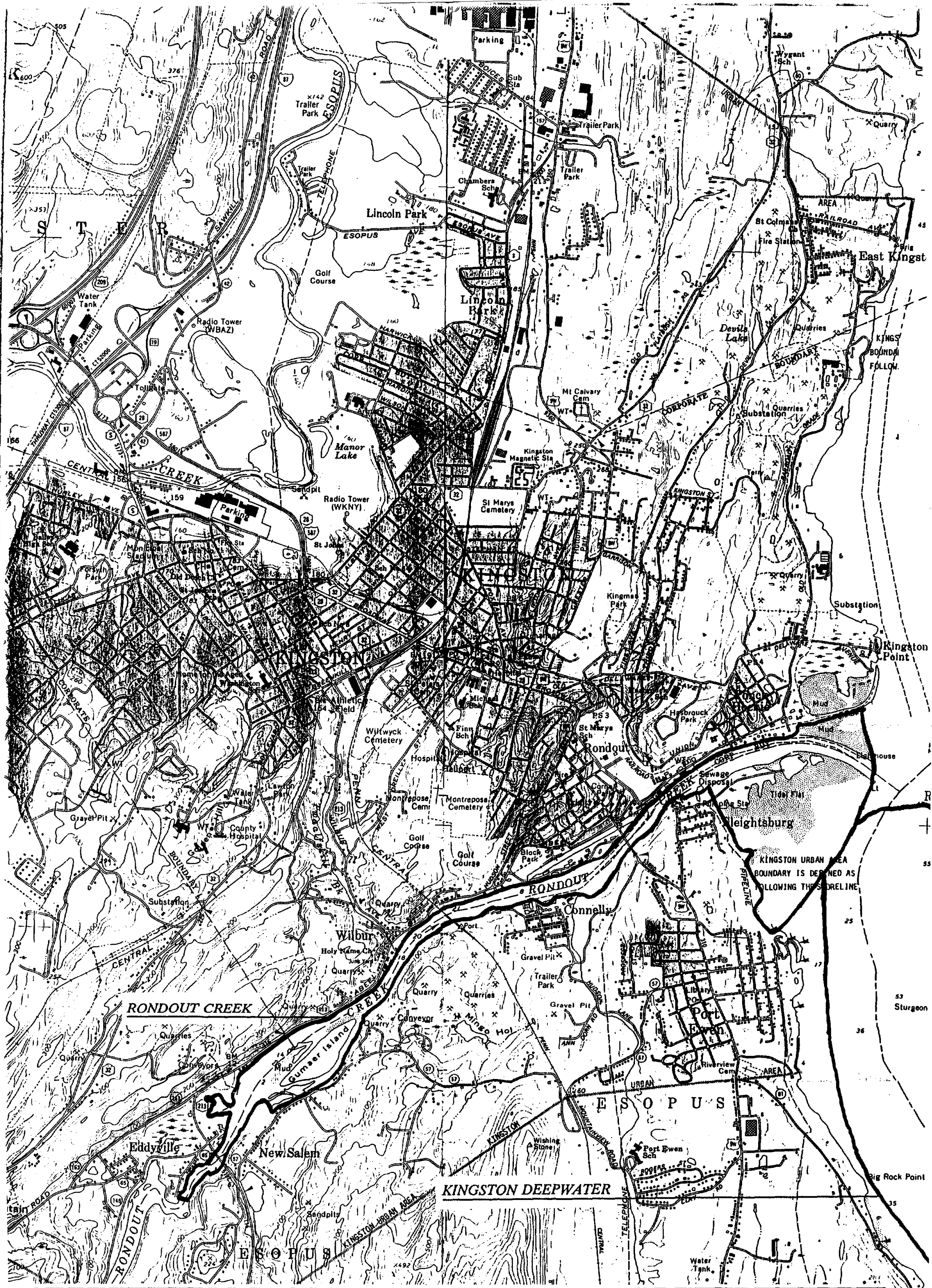
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SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Rondout Creek / Kingston Deepwater (In part)

Miles



COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Kingston Deepwater Habitat

Designated: November 15, 1987

County(ies): Dutchess; Ulster

Town(s): Rhinebeck, Hyde Park; Esopus

7½' Quadrangle(s): Hyde Park, NY; Kingston, NY

Score Criterion

- 40 Ecosystem Rarity (ER)
 An extensive area of deep, freshwater, estuarine habitat; rare in
 New York State; but somewhat common in the Hudson River.
 Geometric mean: $(25 \times 64)^{\frac{1}{2}} = 40$.
- 36 Species Vulnerability (SV)
 Shortnose sturgeon (E) wintering area.
- 0 Human Use (HU)
 Commercial netting of shad in overlying waters, but no significant
 human use of the deepwater habitat.
- 16 Population Level (PL)
 Concentrations of sturgeon and other estuarine species are unusual
 in New York State.
- 1.2 Replaceability (R)
 Irreplaceable.

$$\begin{aligned}\text{SIGNIFICANCE VALUE} &= [(ER + SV + HU + PL) \times R] \\ &= 110\end{aligned}$$

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

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

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

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

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

DESIGNATED HABITAT: KINGSTON DEEPWATER HABITAT

HABITAT DESCRIPTION:

Kingston Deepwater Habitat encompasses a six mile stretch of the Hudson River extending approximately from the City of Kingston in Ulster County and the Village of Rhinecliff in Dutchess County south to the southern boundary of the Margaret Lewis Norrie State Park in Dutchess County. The area is located in the Towns of Rhinebeck and Hyde Park in Dutchess County and the Town of Esopus in Ulster County (7.5' Quadrangle: Hyde Park, N.Y. and Kingston East, N.Y.). The significant habitat area is a nearly continuous deepwater section of the river, from 30 feet to the bottom, especially where water depths of 50 feet or greater occur.

FISH AND WILDLIFE HABITAT:

The Kingston Deepwater Habitat is the northernmost extensive section of deepwater habitat in the Hudson River. Deepwater estuaries such as this are rare in the eastern United States and the Hudson River is the only river in New York State that contains this ecosystem type. Deepwater areas provide wintering habitat for shortnose sturgeon (E) and support a diversity of marine species in the Hudson River. The Kingston Deepwater Habitat is probably the northernmost wintering location of shortnose sturgeon in the Hudson River. Recent fisheries investigations of the Hudson River indicate spawning as well as wintering of sturgeon in this area. Although habitat requirements of this species in the Hudson River are not well known, it is believed that these deepwater areas may be critical year round. Shortnose sturgeon use the portion of the river which generally is greater than 30 feet in depth. This area is also significant since it is largely responsible for the abundance of marine species upriver (the northern range limit for many in New York), especially during periods of low freshwater flows (summer). The majority of both Atlantic and shortnose sturgeon taken for age-growth analysis during the biological survey in the 1930's came from Rhinecliff and Port Ewen. During the spring spawning run of shad, commercial drift netting takes place in the surface waters overlying this area.

IMPACT ASSESSMENT:

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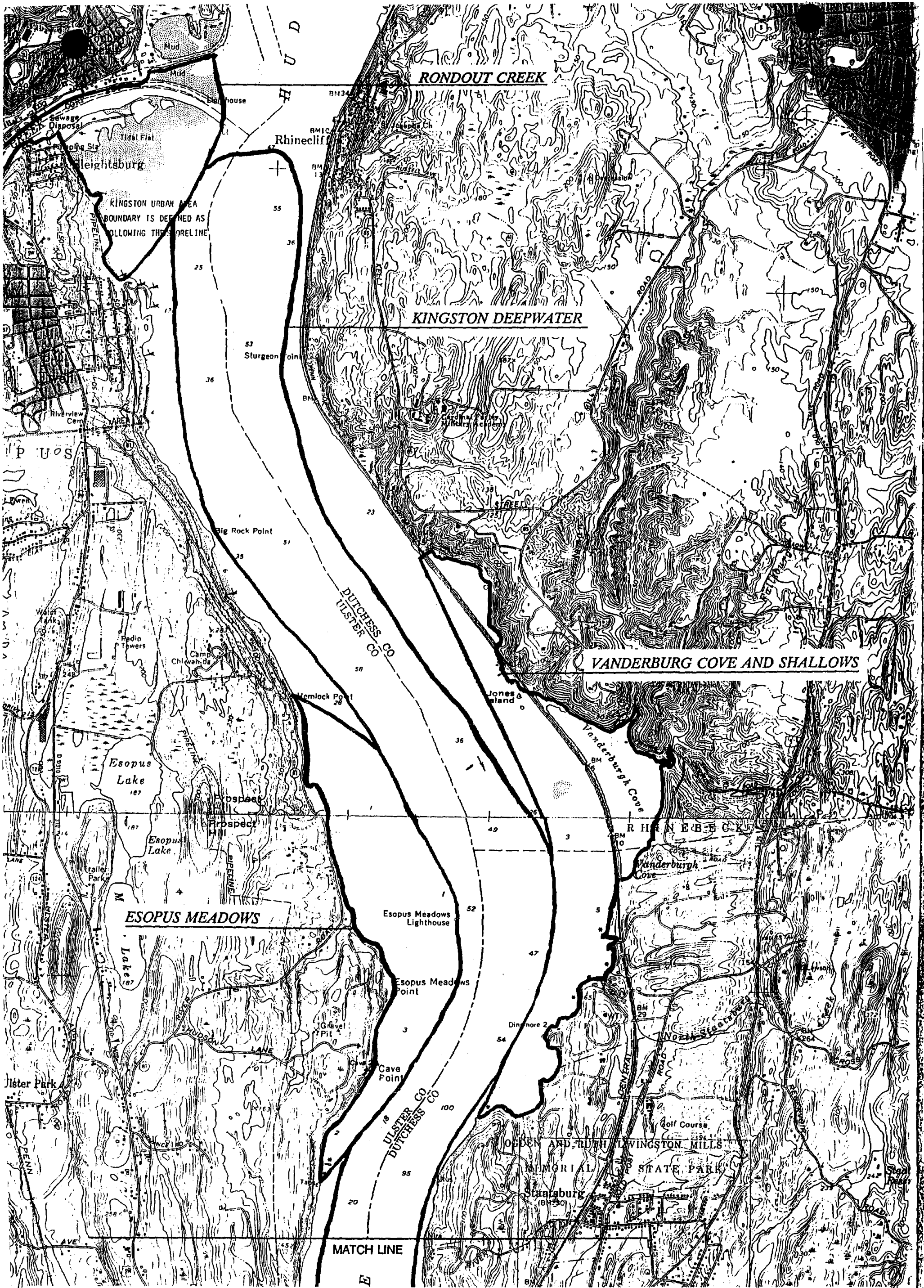
Activities that would substantially degrade water quality, including changes in temperature, turbidity, or freshwater to saline distribution in the deepwater portions of the river, would result in significant impairment of the habitat. This area may be especially sensitive to discharges of wastewater, sewage effluent or agricultural runoff. Major reduction in overall depths within this deepwater trench would also have significant adverse effects on use of the habitat by shortnose sturgeon. Deposition of dredged material or natural sediments, especially if contaminated, would degrade the quality of this ecosystem. Impingement of shortnose sturgeon on water intake screens could affect the population status of this endangered species.

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SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Kingston Deepwater (in part) / Esopus Meadows / Vanderburgh Cove and Shallows / Rondout Creek (in part)

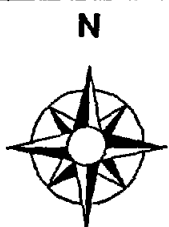
New York State Department of State Division of Coastal Resources and Waterfront Revitalization

Miles

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Prepared by T. Hart and G. Capobianco September 1990

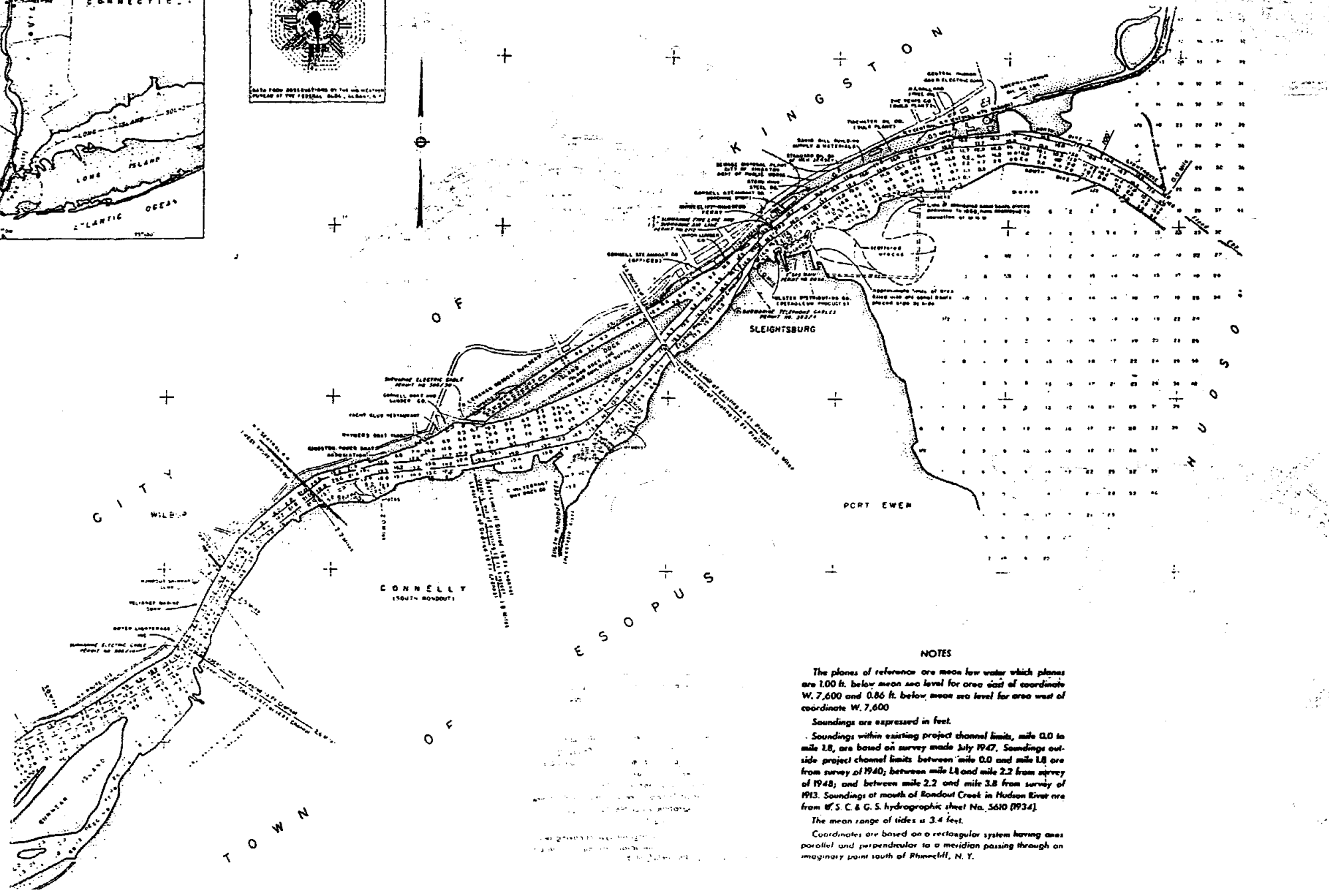
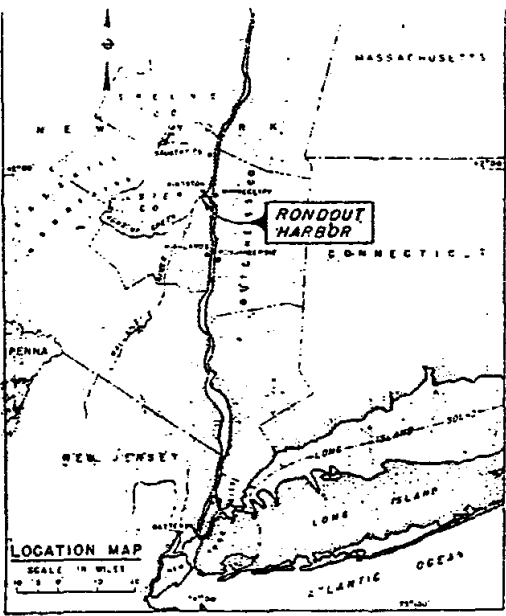
APPENDIX A
PROPOSED LAND USE MAP

APPENDIX B
KINGSTON ZONING MAP

APPENDIX C
NAVIGATIONAL CHANNELS MAP

KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

NAVIGATIONAL CHANNEL MAP



NOTES

The planes of reference are mean low water which planes are 1.00 ft. below mean sea level for area east of coordinate W. 7,600 and 0.86 ft. below mean sea level for area west of coordinate W. 7,600.

Soundings are expressed in feet.

Soundings within existing project channel limits, mile 0.0 to mile 1.8, are based on survey made July 1947. Soundings outside project channel limits between mile 0.0 and mile 1.8 are from survey of 1940; between mile 1.8 and mile 2.2 from survey of 1948; and between mile 2.2 and mile 3.8 from survey of 1913. Soundings at mouth of Rondout Creek in Hudson River are from U.S. C. & G. S. hydrographic sheet No. 5610 (1934).

The mean range of tides is 3.4 feet.

Coordinates are based on a rectangular system having axes parallel and perpendicular to a meridian passing through an imaginary point south of Rhinecliff, N. Y.



DATE 10/16/85 APPENDIX C