

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.