

SECTION V

LOCAL TECHNIQUES FOR IMPLEMENTING THE LWRP

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

1. Existing Local Laws and Regulations

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

a. Zoning Ordinance

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

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

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

(m) **Flood Hazard Overlay District**

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

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

(a) **Site Development Plan Approval**

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

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

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

(c) **Sign Regulations**

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

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

(d) Open Storage

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

(e) Landscaping Requirements

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

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

b. Planning Board

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

c. Sewer Connections Ordinance

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

d. Disposal of Wastes Ordinance

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

e. Environmental Conservation Commission

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

2. Additional Local Laws and Regulations Adopted

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

a. Waterfront Zoning Districts

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

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

b. City of Kingston Waterfront Consistency Review Law

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

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

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

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

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

a. Urban Cultural Park Management Plan

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

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

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

b. Master Plan Update

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

c. Waterfront Design Plan

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

d. Additional National Register Nomination

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

e. Bulkhead Repair

- (1) As part of public improvements to waterfront parks and other public lands along the Rondout Creek and Hudson River, the City of Kingston will systematically repair bulkhead sections. Repairs to publicly-owned bulkheads and shoreline stabilization have been given the following priority:

1st priority: 1000 feet of shoreline from West Strand Park west

2nd priority: Continuing westward along Dock Street to Ravine Street

3rd priority: From the Railroad Bridge west to Davis Street in the Wilbur neighborhood

- (2) This activity is required to stabilize the shoreline and will encourage public access to and use of the waterfront.

f. Public Projects

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

g. Harbor Management Plan for the Rondout Creek

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

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

a. Rehabilitation of Buildings

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

b. Bulkhead Repair

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

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

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

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

c. Relocation of Non-Conforming Uses

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

d. Other Private Projects

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

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

1. Waterfront Lead Agency and Designated Local Official

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

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

2. Assignment of Specific Responsibilities

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

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

a. City Council

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

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

b. Mayor

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

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

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

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

c. City Planning Board

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

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

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

d. Office of Planning and Engineering

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

e. Department of Community Development

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

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

f. Landmark Preservation Commission

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

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

g. Urban Cultural Park Commission

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

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

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

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

h. Conservation Commission

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

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

3. Procedures to Ensure Local Compliance

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

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

a. Notification

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

b. Review

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

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

c. Certification

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

d. Dispute

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

e. Action

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

4. Procedures for Reviewing State and Federal Actions

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

a. Purposes of Guidelines

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

b. Definitions

Action means:

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

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

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

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

c. Notification Procedure

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

the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government; and should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)

- (3) If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

d. Local Government Review Procedure

- (1) Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- (2) If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- (3) If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- (4) If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in (e) below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific

policies and purposes of the LWRP with which the proposed action conflicts.

e. Resolution of Conflicts

The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

- (1) Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
- (2) If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- (3) If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- (4) Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
- (5) If agreement among all parties cannot be reached during this discussion, the Secretary shall, within fifteen days, notify both parties of his/her findings and recommendations.

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

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

a. Direct Actions

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

b. Permit and License Actions

- (1) DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
- (2) Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss:

- (a) the need to request additional information for review purposes; and
 - (b) any possible problems pertaining to the consistency of a proposed action with the LWRP policies.
- (3) When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
 - (4) Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reason why a proposed action may be inconsistent or consistent with the LWRP policies.
 - (5) After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with the LWRP policies.
 - (6) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
 - (7) A copy of the DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

c. Financial Assistance Actions

- (1) Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.

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

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

1. Proposed Projects

a. Block Park Improvement

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

Total Project Cost	\$ 211,000
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Funding Availability

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

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

b. Rondout Neighborhood Improvements

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

Funding Availability

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

c. Island Dock Park

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

Funding Availability

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

d. West Strand Park

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

Funding Availability

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

e. East Strand Parking

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

Funding Availability

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

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

● Private Financing	\$ 10,000,000
Total Project Costs	\$ 10,000,000

g. Trolley Museum

● Private Financing	\$ 270,000
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●	Urban Cultural Park	30,000
	Total Project Costs	\$ 300,000

Funding Availability

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

h. Hasbrouck Park

●	General Funds	\$ 199,800
●	Urban Cultural Parks	22,000
	Total Project Costs	\$ 222,000

Funding Availability

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

i. Sewage Treatment Plant Improvements

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

Funding Availability

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

j. Ponckhockie Neighborhood Improvements

(1) Sidewalk Improvements

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

●	Job Training Program	
●	Small Cities	15,000
	Total Project Costs	<u>\$ 100,000</u>

Funding Availability

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

k. Lighthouse Pier

●	General Funds	\$ 223,600
●	Urban Cultural Park	110,000
●	U.S. Army Corps of Engineers	766,400
	Total Project Costs	<u>\$ 1,100,000</u>

Funding Availability

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

l. Delaware Avenue Street Improvements

●	State Consolidated Highway Improvement Program	\$ 30,000
	Total Project Costs	<u>\$ 30,000</u>

Funding Availability

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

m. Kingston Point Park

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

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

Funding Availability

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

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

n. Sewer Improvements

Total Project Costs (approximately) \$500,000

Funding Availability

To be determined.

o. Rondout Creek Harbor Management Plan

Total Project Cost \$ 50,000

Funding Availability - Unknown.

2. Other Public and Private Implementation Acts

a. Urban Cultural Park Plan

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

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

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

b. Master Plan Update

●	General Fund	\$ 30,000
Total Project Cost		\$ 30,000

Funding Availability

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

c. National Register Nomination

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

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

Funding Availability

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

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

d. Bulkhead Repair

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

e. Codes and Ordinances

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

f. Additional Private Initiatives

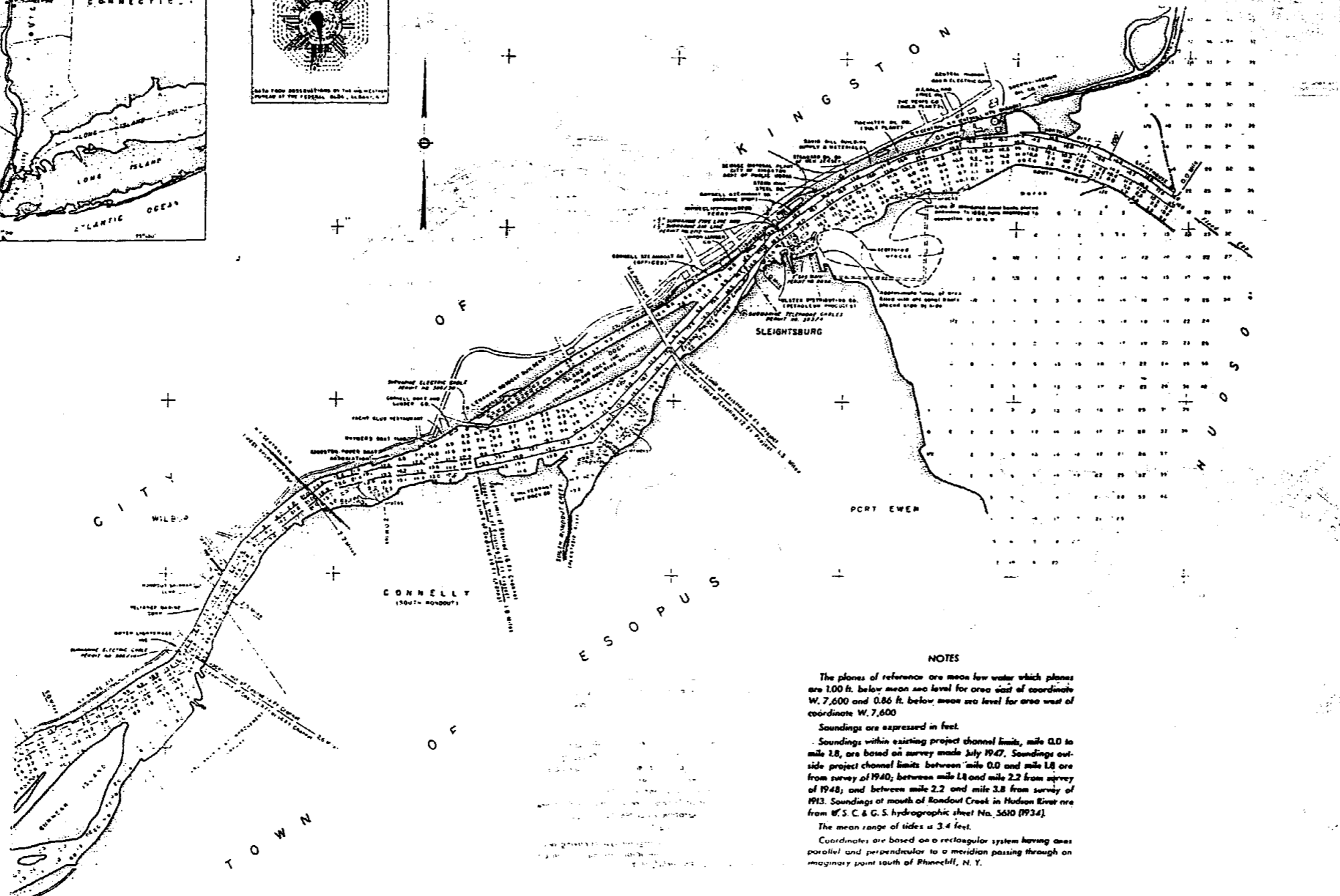
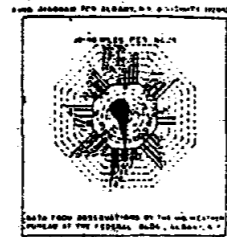
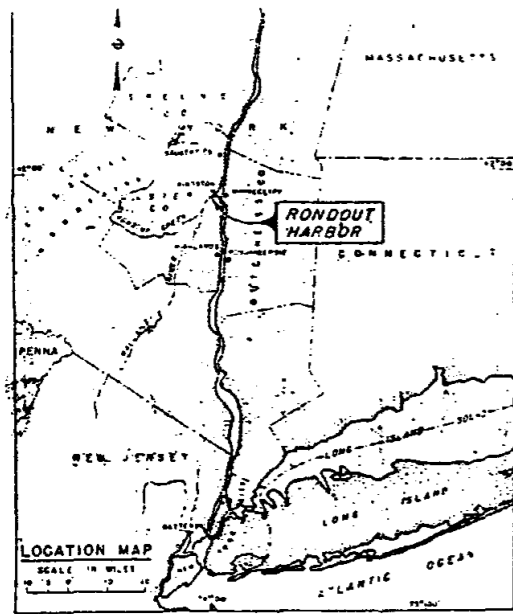
Other private projects will be initiated with private financial resources which will be identified when specific proposals are submitted.

3. Management of LWRP

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

KINGSTON LOCAL WATERFRONT REVITALIZATION PROGRAM

NAVIGATIONAL CHANNEL MAP



NOTES

The planes of reference are mean low water which planes are 1.00 ft. below mean sea level for area east of coordinate W. 7,600 and 0.86 ft. below mean sea level for area west of coordinate W. 7,600.

Soundings are expressed in feet.

Soundings within existing project channel limits, mile 0.0 to mile 1.8, are based on survey made July 1947. Soundings outside project channel limits between mile 0.0 and mile 1.8 are from survey of 1940; between mile 1.8 and mile 2.2 from survey of 1948; and between mile 2.2 and mile 3.8 from survey of 1913. Soundings at mouth of Rondout Creek in Hudson River are from U.S. C. & G. S. hydrographic sheet No. 5610 (1934).

The mean range of tides is 3.4 feet.

Coordinates are based on a rectangular system having axes parallel and perpendicular to a meridian passing through an imaginary point south of Rhinecliff, N. Y.



DATE 10/16/85 APPENDIX C