

SECTION III
WATERFRONT POLICIES

III. LOCAL POLICIES AND APPLICABLE STATE POLICIES

This section includes a listing of each State Coastal Policy and an indication of its applicability to the Town of North Greenbush. Also included are additional local policies and an explanation of how both State and local policies relate to the local waterfront area.

Development Policies

- POLICY 1 THE STATE COASTAL POLICY REGARDING THE RESTORATION AND REDEVELOPMENT OF DETERIORATED WATERFRONT AREAS IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH.
- POLICY 2 FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.
- POLICY 2A FACILITATE THE SITING OF WATER-ENHANCED USES AND FACILITIES, SOUTH OF THE NIAGARA MOHAWK POWER LINES WEST OF THE RAIL ROAD, ADJACENT TO COASTAL WATERS, IN COORDINATION WITH DEVELOPMENT AND RETENTION OF WATER-DEPENDENT USES.

Explanation of Policy:

The North Greenbush waterfront is relatively compact in size, is adjacent to a principal navigation channel, and has the potential to be served by public utilities. However, physical and legal constraints such as the escarpment, railroad and land ownership patterns create obstacles to siting water-dependent uses. Therefore, the intent of this policy is to ensure that water-dependent uses be given preference and, where possible, assistance in securing waterfront sites and that every effort be made to retain such uses. Where the demand for or feasibility of water-dependent uses is limited or non-existent, this policy will ensure that certain water-enhanced uses are permitted on waterfront sites, so as to restrict the development of uses which are neither water-dependent nor water-enhanced. Those uses which are considered water-dependent and subject to these policies include the following:

1. Certain uses which utilize the resources of the coastal waters, such as fishing;
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing, scenic and nature walks);
3. Uses involved in the sea/land transfer of goods or people;
4. Aids to navigation;

5. Flood and erosion protection structures (for example: breakwaters, bulkheads, seawalls);
6. Facilities needed to store and service boats (for example: marinas, boat repair and construction yards, boat sales and service facilities);
7. Uses requiring proximity to bodies of water for end-product processing (for example: sewage treatment facilities);
8. Scientific/educational activities, which, by their nature, require access to coastal waters (for example: certain ecological and meteorological activities); and
9. Support facilities which are necessary for the successful function of permitted water-dependent use (for example: parking lots, snackbars, first aid stations, short term storage facilities). Though these uses must be near the given water-dependent use, they should, as much as possible be sited inland from the water-dependent rather than on shore.

Several of the above water-dependent uses already exist on the North Greenbush waterfront: the treatment plant, the seawall, the navigation light, as well as boating on the river. Future development of any additional water-dependent use will likely be on either the Rensselaer Technology Park property or the Town Park site. This development will be tied to the overall development of the plateau section of the Technology Park. The specific types of projects for the waterfront will be largely determined by the type of development on the plateau that can support those projects. Coordination of plateau and waterfront development is facilitated through the Technology Park as the largest land owning entity, whose actions will have the most influence on waterfront development.

This future development on the Technology Park lands will consist of a mix of water-dependent and water-enhanced uses in accordance with the Technology Park development plans. Future water-dependent uses tentatively identified include development of recreational uses, and of scientific and educational programs tied in part to the wetlands. On the Town Park site, development of new water-dependent recreation facilities is planned, including a marina and secondary contact recreation opportunities.

Examples of water-enhanced uses are those uses which offer waterfront views or access as part of the overall design environment, such as conference centers, offices, restaurants and supporting facilities, as well as some cultural, educational, scientific or recreational uses in addition to those uses, which through site design, supporting facilities or other means, utilize the particular advantages of a waterfront site. The water-enhanced uses which might be developed on the Technology Park site

would not include all of the uses currently allowed on the plateau section of the Park, and would strengthen the relationship between the Park and the river, and the relationship between the Town and the river, both of which are poorly developed at present.

Development of both water-dependent and water-enhanced uses should satisfy certain criteria, based upon the use being considered. The following guidelines should be considered when reviewing plans for such site:

1. Special Suitability: Sites which are particularly suited to a particular type of use should be used for such purposes if possible. For instance, few sites have the appropriate land and water characteristics for marinas or boat launches.
2. In-place Facilities and Services: Most water-dependent and water-enhanced uses, if they are to function effectively, require certain basic public facilities and services. In determining the adequacy of development plans for these uses, consideration should be given to the following factors (see also Policy 1):
 - a. The capacity of public sewers, public water lines and power supply;
 - b. The adequacy of vehicular access and any special access needs, such as for boat trailers for marinas or boat launches; and
 - c. Access to public transportation, if a high number of person trips is to be generated.
3. Access to Navigational Channels: Commercial shipping, fishing and recreational boating sites should establish docking from which access to the navigation channel is assured.
4. Compatibility with Adjacent Uses and the Protection of Other Coastal Resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Water-dependent uses must also be sited so as to avoid adverse impacts on scenic areas and views.
5. Underutilized Sites and Expansion of Existing Uses: Sites which are underutilized and/or which will permit expansion of existing water-dependent uses should be designed to accommodate such uses, if at all possible.

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

1. Favored treatment to areas in which water-dependent and water-enhanced uses are proposed, with respect to capital budgeting, with particular priorities given to roads, public land and water transit, and railroad facilities.
2. Use of land use controls, specifically through the creation of a zoning district exclusively for water-dependent and appropriate water-enhanced uses, in addition to any restrictive covenants, to maintain existing uses, to provide space for expansion and further development of such uses, and to prevent conflict with non-water-enhanced uses. The following standards and procedures will be utilized in the approval process for development proposals in the waterfront:
 - a. Preparation of a Generic Environmental Impact Statement for the entire Technology Park property on the riverfront when the first major development on this parcel is proposed.
 - b. Site plan approval for all proposed uses.
 - c. Maximum building heights and minimum setback from the river for most uses and structures.
 - d. Maximum limits of coverage by impermeable surfaces.
 - e. Inclusion of best management practices in controlling erosion and siltation in the plans and adherence to said practices during the development.

The development of any water-dependent or water-enhanced use will be consistent with Policies 5, 11, 19, 19A, 21, 21A, 22, 25, 37 and 44.

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

POLICY 4 **THE STATE COASTAL POLICY REGARDING THE ENHANCEMENT OF SMALL HARBORS IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH.**

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

Explanation of Policy:

The purpose of this policy is to direct new development, particularly large-scale development, in the coastal area to locations within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate and where topography, geology and other environmental conditions are suitable for and able to accommodate development. Specifically, the policy is intended to:

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 out-lying areas;
4. Preserve open space; and
5. Where desirable, foster energy conservation by encouraging proximity between home, work, and leisure activities.

The Town of North Greenbush is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development, as specified in the proposed uses and proposed projects for the waterfront and outlined in Section IV.B.

Due to physical and legal barriers, the Town's waterfront is largely undeveloped. The lack of direct physical access between the riverfront, and the upland sections of the Town has hindered development of the Town's waterfront potential.

While the immediate area of the Town's waterfront does not have either a water distribution or sewage collection system in place, the waterfront is adjacent to existing service districts and encompasses existing regional facilities, such as collection mains and a treatment plant. The proximity of these facilities, and of franchise services, as well, presents opportunities for expansion. As the Town's waterfront is located in a metropolitan area, adjacent to three cities and to existing infrastructure, it is appropriate to plan for future development consistent with this LWRP.

The ownership of the land on the waterfront is an important factor in carrying out the purposes and goals of this policy. Virtually all the developable area in the waterfront, outside of the Town Park site, is owned by Rensselaer Polytechnic Institute, as part of the Technology Park. Development of these lands in accord with these policies is appropriate in close proximity to an area of

concentrated development where infrastructure and public services are adequate.

See also Policies 2, 14, 19, 19A, 23, 25, 32, and 37.

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

Explanation of Policy:

When administering existing regulations and prior to proposing new regulations, every effort should be made by all levels of government to determine the feasibility of coordinating administrative procedures and incorporating new regulations in existing legislation, if this can reduce the burden on a particular type of development without jeopardizing the integrity of the regulation's objectives.

FISH AND WILDLIFE POLICIES

POLICY 7 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH**

POLICY 8 **PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUB-LETHAL OR LETHAL EFFECT 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, hazardous waste is defined in Environmental Conservation Law [§27-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

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 of and 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.

Existing activities which would be regulated by this policy would include fuel and sewage residue handling at the sewage treatment plant. River dredging and riverbank excavation activities would have to insure against the possible re-introduction of hazardous wastes into the water through the disturbance of river bottom and dredge spoil sediments which may be contaminated with such wastes. Such actions are specifically discussed under Policy 35. Activities at a marina could also impact fish and wildlife resources. See Policy 21 for guidelines relating to marinas.

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.

Explanation of Policy:

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, birdwatching and nature study. Opportunities for access to these resources in the North Greenbush waterfront area are extremely limited at present (see Section II.B.1.d.). Increased recreational use of these resources should be made in a manner which ensures the protection of fish and wildlife resources and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, cost and available technology.

The following additional guidelines should be considered as agencies determine the consistency of their proposed actions with the above policy:

1. Consideration should be given 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, conferring with a trained fish and wildlife biologist.

See Policies 19, 19A, 20, 21 and 21A.

POLICY 10 **THE STATE COASTAL POLICY REGARDING COMMERCIAL FISHING IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH.**

FLOODING AND EROSION 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 erosion aspects of this policy are not applicable, since there are no identified Coastal Erosion Hazard Areas within the North Greenbush waterfront area.

The design and location of buildings proposed to be located in designated flood hazard areas is regulated by the Town of North Greenbush Flood Damage Prevention Law. The area in the flood hazard zone is the "river flat," located between the Hudson River and the railroad. There are no designated floodways in the waterfront area. Article V of this law prescribes both general and specific standards for flood hazard areas, as follows:

1. \$70.16. General Standards

In all areas of special flood hazards, the following standards are required:

- a. **Anchoring:** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. **Construction materials and methods:**
 - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwater.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

2. §Section 70.17. Specific Standards

In all areas of special flood hazards where base flood elevation data have been provided the following standards are required:

- a. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to on or above base flood elevation.
- b. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or

- b. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water, and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

Also see Policies 14 and 17.

POLICY 12 THE STATE COASTAL POLICY REGARDING THE PRESERVATION OF EROSION NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH

POLICY 13 THE STATE COASTAL POLICY, REGARDING THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH

POLICY 13A REPAIR AND RESTORATION OF EXISTING BULKHEADS SHALL BE UNDERTAKEN IN A MANNER THAT WILL ADEQUATELY PROTECT ADJACENT PROPERTY, PARTICULARLY THAT USED FOR WATER-RELATED USES.

Explanation of Policy:

The bulkhead protects the river flat, an area of "made land" and natural deposits, which includes the Town Park site and other riverfront property. Repairs on the seawall will be made on a priority basis to the parts which protect the Town's property, and any future water-dependent uses which may develop on the waterfront.

Modifications of the bulkhead to create an inland harbor or slip for a proposed boat launch or marina, and any normal maintenance and repair of the seawall, shall be undertaken with the appropriate permits from the Army Corps of Engineers and NYSDEC. Such permits will be granted if it has been satisfactorily demonstrated that the anticipated adverse impacts of any of these actions have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Article 15). All actions will be consistent with Policies 8, 9, 19, 20 and 35.

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 shoreland, thus increasing their rate of recession; the failure to observe proper drainage practices, thereby causing the erosion and weakening of shorelands; and placing of structures in an identified floodway so that the base flood level is increased causing damage in otherwise hazard-free areas.

Areas where erosion due to construction practices are most likely to occur are the undeveloped areas of the river flat and along the escarpment. New development in these areas could increase erosion unless proper erosion protection measures are taken during construction and incorporated into final design. The development of a waterfront access road poses special considerations for controlling runoff. Such a road would entail the cutting and filling of sloping lands consisting of clays and clay derived soils, unless a route along the bottom of the ravine is followed, as recommended in Section IV.

All development activities in the Town's waterfront area will be required to include erosion control plans and adhere to the Best Management Practices as set forth in Policy 37.

Also see Policy 19A.

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:

There is little natural beach material in the North Greenbush waterfront area which is supplied to the adjacent land via natural coastal processes. Mining, excavation and dredging should be done so that both the natural and manmade shoreline are not undermined and so that natural water movement is not changed in a manner that will increase erosion potential.

At the present time there are no mining or excavating activities in the waters of North Greenbush's waterfront area. While no mining activities are anticipated in the waterfront area, dredging activities are. In addition, development of a marina or a boat launching site will require excavation. Any dredging, excavation, or mining activities proposed in the waterfront area will be accomplished in a manner that will not impact habitat and wetland areas. Such activities must receive the appropriate permits from the Army Corps of Engineers and the New York State Department of Environmental Conservation (NYSDEC), as per the regulations developed pursuant to Articles 15, 24, 25 and 34 of the Environmental Conservation Law, and are consistent with Policies 8, 31, 35 and 44.

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:

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 impact from such activities and development on the rate of erosion and natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds for erosion protection measures.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (1) THE SETBACK OF BUILDINGS AND STRUCTURES; (2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINAGE SYSTEMS; (3) THE RESHAPING OF BLUFFS; (4) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE BASE FLOOD LEVEL.

Explanation of Policy:

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of

protection against these hazards which structural measures entail. This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible. It must be recognized, however, that where non-structural measures are not feasible, due to natural conditions or use of the property, structural solutions will be required and will be consistent with Policies 11 and 14.

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 effect natural resources, water levels and flows, shoreline damage, and recreation. Review under the SEQ process will allow a weighing of the cost and benefits of such actions.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND 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:

There are two publicly-owned properties on the 1.9 mile long North Greenbush waterfront. Neither the Town Park property nor the sewage treatment facilities have been developed to provide river access, and access to these properties is restricted by legal and physical obstacles. Implementation of this policy requires careful balancing of several factors: the demand for specific recreation facilities; the adequacy and type of access to facilities; the capacity of the resource; and the protection of natural and historic resources. Actions to increase the access to new public water-related recreation facilities are to be strongly encouraged. Access via easements, such as at the Niagara Mohawk transmission line right-of-way, or across the sewage treatment plant lands, or from dedications of less than fee simple interest is preferred over public acquisition. Such easements can provide visual access by trails even when direct access is not possible. However, the primary emphasis on developing river access on the North Greenbush waterfront should be to the Town Park property.

Specific guidelines for development of access roads to and through the North Greenbush waterfront, including access through the escarpment, is addressed under Policy 19A.

POLICY 19A DEVELOP FEASIBLE PUBLIC VEHICULAR AND PEDESTRIAN LAND ACCESS TO THE PUBLICLY OWNED FORESHORE AND THE PUBLICLY OWNED LANDS IMMEDIATELY ADJACENT TO THE FORESHORE, AND PURSUE PUBLIC OWNERSHIP OF EASEMENT OVER ADJOINING LANDS ON THE NORTH GREENBUSH WATERFRONT WHERE APPROPRIATE.

Explanation of Policy:

Access to the foreshore from the land areas of North Greenbush is currently extremely limited because of physical and legal barriers. Access to the Town's waterfront can surmount these barriers through the following actions:

1. Intergovernmental agreements, private sector/ public sector agreements or other legal arrangements to use (and improve where necessary) any or all of the three existing roads in the waterfront (the sewage plant access road, River Road, and the access road parallel to the railroad) where travel by the general public is at present restricted, or public purchase of any or all of these roads;
2. Development of a new road to the waterfront from the RPI Technology Park on the plateau through the escarpment; and
3. Development of a nature trail system along the escarpment and riverfront. Development of the access road directly from the plateau to the river will provide a more direct route and a

link between related uses on the plateau; it is preferred in the long run. However, this road may be more easily supported if there is adequate development in place on the waterfront. Thus, feasibility studies should explore techniques for improvement of existing roads to the waterfront, in order to create the conditions under which development on the waterfront can proceed. It appears that the road entering the waterfront area from the north would be the best road to improve for access to the area.

To encourage pedestrian access to, and use of, the waterfront from the plateau, a nature trail system should be developed prior to construction of vehicular access across the escarpment.

Any vehicular access to be improved or constructed will be designed to accommodate the traffic characteristics and vehicle mix which can be reasonably foreseen to be generated as a result of new development planned in the waterfront area. This access will be designed to minimize adverse effects of certain road maintenance procedures, such as use of road salt or similar substance, to reduce ice.

Development of any public vehicular and pedestrian access to the foreshore, and adjacent public lands which would necessitate crossing of the railroad will fully consider the public benefits and costs of providing grade separated rail crossings in preference to guarded at-grade crossings. Guarded at-grade crossings will be acceptable where documentation and studies show the public costs far outweigh any benefits derived from creating a grade separated crossing. At-grade crossings on the Troy-Greenbush line may be acceptable because of the infrequent number of trips generated on this line, the slow running speeds of trains due to the conditions of the railbed, and the future potential of abandonment of this line.

The Troy-Greenbush rail line is used regularly and this level of use is expected to continue. However, in the event of an abandonment of the Troy-Greenbush rail line, this right-of-way should be acquired by the Town for development of roadway access along the waterfront to the north and south, if access arrangements cannot be secured along the existing roads, and for expansion of any existing north-south access, particularly in regard to public transit and alternate modes of transportation (such as bicycle lanes).

Development of vehicular and pedestrian access to the North Greenbush waterfront will be consistent with Policies 14, 19, 20, 25, 33 and 37.

POLICY 20

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

Explanation of Policy:

Access to the publicly-owned lands of the coast should be provided, where appropriate, for numerous activities and pursuits which require only minimal facilities for their enjoyment, such as walking along the waterfront or to a vantage point from which to view the water, bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting. Methods of providing access include the development of waterfront trails, the improvement of vehicular access to the waterfront and the promotion of mixed and multi-use development. However, sale of easements on underwater lands adjacent to onshore property owners may be granted if public use of the foreshore is not substantially limited. Public use of such publicly-owned underwater lands and land immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety 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 water are too low to justify maintaining or providing increased access.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
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. 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.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. Also see Policies 19, 19A, 22, and 25.

RECREATIONAL 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 trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

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

In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal-dependent uses will require a case-by-case analysis.

The siting or design of new public development should not create barriers to the recreational use of the waterfront and, if possible, should create opportunities for joint use and will be consistent with Policies 2, 19, 21A, 22 and 44.

The specific projects described in Section IV are all consistent with this policy and will be encouraged.

POLICY 21A UNDERTAKE EFFORTS TO DEVELOP A MARINA, BOAT LAUNCH, DOCK AND RELATED RECREATIONAL FACILITIES ON THE TOWN PARK PROPERTY TO PROVIDE PUBLIC ACCESS FOR WATER-RELATED RECREATION ACTIVITIES INCLUDING FISHING AND BOATING.

Explanation of Policy:

The Town of North Greenbush owns 8.9 acres of undeveloped park land with close to 400 feet of river frontage. Use of the property is

minimal because of barriers to land and water access. Efforts need to be made to provide access at this site for recreational boaters, collegiate rowing and crew teams, and ice boaters. These efforts will be coordinated with measures to improve land access to the park site. (Also see Policies 2,19, 19A, 20, and 21.)

Marina development should preferably utilize an excavated basin. There shall, however, be no filling or dredging of the adjacent wetland unless in accord with an accepted wetland restoration plan. The basin shall be designed to allow for adequate water circulation and thus there shall be either a wide continuous opening to the river or at least two openings in an otherwise closed frontage; the basin shall be shaped so that there are no "dead" areas where the water would stagnate; generally the basin shall be excavated to a depth no deeper than the adjacent river, to prevent the creation of "dead" underwater pockets; and a sloped, riprapped edge around the basin is preferable to a vertical, bulkhead edge.

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: Certain waterfront developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever such 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 demand for public use cannot be foreseen.

Uses which are appropriate in the North Greenbush waterfront area and which can provide opportunities for water-related recreation as a multiple use include: existing utility transmission lines (Niagara-Mohawk R.O.W); water treatment facilities (County sewage Treatment Plant); and large-scale mixed-use projects south of the Town Park, where walkways can be incorporated in the development plan.

Whenever a proposed development would be consistent with coastal policies and the development could, through the provision of recreation and other multiple uses, significantly increase public uses of the shore, then such development should be encouraged to locate adjacent to the shore. See Policies 19A and 20.

HISTORIC AND SCENIC RESOURCES

POLICY 23 PROTECT 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:

Among the most valuable manmade resources are those structures or areas which are of historic, archeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance and with the area around specific sites. The policy is not to be construed as just a passive mandate but also suggests effective efforts, when appropriate, to restore or revitalize resources through adaptive reuse. While the policy is concerned with the preservation of all such resources within the coastal boundary, the preservation of historic and cultural resources which have a coastal relationship is of particular significance.

The North Greenbush waterfront contains no sites listed, or eligible for listing, on the National Register of Historic Places. However, the Town's waterfront area is within an archaeologically sensitive area, based on site file information of both the New York State Museum and the Office of Parks, Recreation and Historic Preservation.

Much of the archaeological investigations have focused on remains of post-Colonial residences and on artifacts from pre-Colonial inhabitants, on the plateaus and escarpments. These investigations have not been extensive. Less is known about the river flat area.

All practical means shall be taken to protect these resources, including consideration and adoption of such techniques, measures and controls necessary to prevent a significant adverse change to the resource. A significant adverse change includes, but is not limited to:

1. Alteration of, or addition to, one or more of the functional features of a site that is a recognized archeological resource, or component thereof. Such features are defined as encompassing any original or historically significant feature including structures, walks, steps, topographical features, or earthworks, located on the designated resource property.
2. Removal in full or part of a structure, or earthworks that is a recognized archeological resource, or component thereof, to include all those features described in (a) above plus any other appurtenant fixture associated with a structure or earthwork.

3. All proposed actions within 500 feet of the perimeter of the property boundary of the archaeological resource. Primary considerations to be used in making judgement about compatibility should focus on the locational relationship between the proposed action and the special character of the archeological resource. Compatibility between the general appearance of the resources should be reflected in the scale, setback, landscaping and related items of the proposed actions. This policy shall not be construed to prevent normal maintenance, actions necessary to remove a threat to the public welfare, health or safety, or rehabilitation or restoration in accord with standards and design which do not adversely impact the significant features. Given the possibility of archaeologically significant sites within the waterfront area, public agencies shall contact the New York State Historic Preservation Officer to determine appropriate protective measures to be incorporated into development decisions.

POLICY 24 **THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH.**

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

Explanation of Policy:

The North Greenbush waterfront area is characterized by undeveloped woodlands on steep slopes, wetlands, a wooded waterfront and occasional structures and facilities of an industrial nature. The most positive feature of the Town's waterfront is the extensive vegetation, when compared to adjoining waterfronts, which provides visual relief in an urbanized reach of waterfront. The most negative features are garbage and debris dumped indiscriminately along the waterfront, the unsightly ruts of off-road vehicle tracks, and overhead transmission lines.

When considering a proposed action, care shall be given to protect, restore or enhance the overall scenic quality of the waterfront area. Activities which could impair or further degrade scenic quality are the modification of natural landforms, removal of vegetation, or addition of structures which degrade the visual environment due to incompatible scale, form, materials or location.

The following siting and development guidelines will be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly considering both the scenic resources and the Town's development objectives and priorities.

1. Siting structures and other development such as power lines, and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
2. Clustering or orienting structures to retain views, save open space and provide visual organization to a development.
3. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.
4. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing creates views of coastal waters.
5. Using appropriate materials, in addition to vegetation, to screen unattractive elements.
6. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

Actions to maintain and improve visual access to the water or to screen or otherwise mitigate the adverse impact of certain existing elements will be pursued. These actions will include methods of screening or otherwise improving the appearance of the sewage treatment plant and of utility corridors.

In addition, new development will comply with the following standards which relate to visual impact as part of a new waterfront development zoning district:

1. No structure shall exceed 40 feet in height except that structures up to 80 feet may be permitted if the Planning Board finds that fire fighting equipment is adequate and the visual quality of the waterfront is maintained.
2. All structures shall be set back at least 40 feet from the river's edge, except for those structures which must be located closer due to their use or function.
3. Total coverage by roads, roof tops, parking lots or other impermeable surfaces shall not exceed one-third of the gross site area.
4. The location, design, color and materials of buildings should be such as to minimize their visibility from the river and the opposite shore.

5. Existing vegetation should be preserved to the greatest extent feasible where it provides natural screening, contributes to wetland or wildlife resources or is a significant or unusual species. New plantings should be indigenous and blend with vegetation to remain and should be used to maintain the natural, informal aspect of the site.
6. Lighting should be spaced, shielded and directed to minimize glare and visibility from the river and the opposite shore.
7. Marina design should consider prevailing winds and navigation patterns, include boat launching facilities and utilize natural vegetation and existing waterways, as appropriate, to minimize disturbance along the river shore.
8. A public walkway shall be provided from the Town Park through the site to the City of Rensselaer line. Such walkway shall be within a 30 foot easement generally located between the developed portion of the site (buildings and parking lots) and the water's edge, shall be integrated with natural features such as mature vegetation and wetlands, and shall provide opportunities for views to the river and the wetlands. Walkways shall be screened from adjacent service areas, shall be suitably surfaced for pedestrian use and shall be provided with benches and observation points at appropriate locations.

Development on the Technology Park lands are also governed by restrictive covenants that address standards for setback, underground utilities, parking, outside storage, signs, parcel coverage, temporary structures, landscaping, and preservation of trees and wooded areas.

Because of the potential visual impact that development of a road through the escarpment would create, the following analysis will be undertaken in the evaluation of the project:

1. Identification of pertinent visual analysis factors, such as landscape characteristics; areas where a concentration of viewers is likely, such as parks, recreation areas and roads; prominent landforms which have inherent scenic qualities and/or could result in high visibility of the road if traversed; and routing factors, such as the use of vegetation and topography for screening and backdrop effects.
2. Analysis of the routing in terms of compatibility with existing features (form, scale); enhancement or degradation of the overall landscape quality; impact where there are likely to be high numbers of viewers; and visibility of the road in terms of degree, distance and place in the landscape (foreground, background). This analysis should take into consideration the visual compatibility of the proposed road to existing and proposed natural and artificial features along the waterfront.

Based on this analysis the routing with the least visual impact will be followed.

Also see Policies 2, 5 and 7.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF IMPORTANT AGRICULTURAL LANDS IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH.

ENERGY AND ICE MANAGEMENT POLICIES

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

Explanation of Policy:

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

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

The existing pattern of land ownership on the North Greenbush waterfront area precludes the siting of any major electric generating facility. However, the existing electric and gas transmission lines and corridors could possibly be upgraded or expanded in the future. With respect to transmission facilities, Article VII of the New York State Public Service Law requires additional forecasts and establishes the basis for determining compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating 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 State Coastal Management Program and this LWRP.

In consultation with the Town, 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 State Law; and use the State energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with the policies and purposes of the Local Waterfront Revitalization Program. In addition, any such facility shall be consistent with Policies 8, 19, 22, 23, 25, 30, 36, 39, 40, 41 and 44.

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 fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. This policy shall apply where ice management practices presently are undertaken to maintain the Hudson River channel, as well as to the other coastal tributaries. Methods to mitigate potential adverse impacts should be identified and utilized whenever feasible.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF OFF-SHORE ENERGY FACILITIES IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH.

WATER AND AIR RESOURCES POLICIES

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

Explanation of Policy:

Municipal, industrial, commercial and residential 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. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways. State and federal laws adequately govern pollutant discharges into coastal waters. However, constant inspection and adequate monitoring of coastal waterways and vigorous regulatory and/or legal actions are necessary to insure

that violations are identified and the regulations are enforced. The Town will take all necessary steps, both at the local level and in cooperation with higher levels of government, to apply existing monitoring and enforcement machinery and, where appropriate, to strengthen it. This policy is particularly relevant to the County sewage treatment plant and to any industrial development in the waterfront 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 OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy:

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revisions or amendment.

The classification of the Hudson River as C, suitable for fishing but not primary contact recreation, and its tributaries as D, suitable for secondary contact, is compatible with the present use of these waters. Any action taken in the North Greenbush waterfront area which would lead to the reduction of such classification will be considered inconsistent with these coastal policies.

Actions to improve the quality of Stream 228, from a Class D stream to Class C, or to upgrade any of the other Hudson River tributaries in the waterfront area, or the River itself, from Class C to Class B will be in keeping with the objectives of developing recreational usage of these streams and shall be deemed consistent with these policies. In particular, upgrading of the Hudson River to Class B will allow development of opportunities for primary contact recreation at the Town Park site, such as swimming and water skiing. This would expand recreational opportunities and be consistent with Policies 19, 21, and 22.

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

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

Explanation of Policy:

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff. In some instances, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) are not economically feasible. Non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged in such cases. The standards set forth in Policy 37 will apply to all construction in the waterfront area to control stormwater runoff and erosion.

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

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 by State law. Priority should be given to the enforcement of this law in significant habitats and beaches 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) and shall be strictly enforced. Plans for development of marinas will be reviewed to determine if a requirement for on-shore pump-out facilities is appropriate and feasible. See Policy 21.

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE AND FEDERAL 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 navigational channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often, these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site.

Periodic dredging of the Hudson River will occur to keep the channel navigable. Dredging, and excavation, will be necessary to develop and maintain adequate channels for boat launches and marinas on the Town Park and Technology Park properties. Precautions will be taken to assure that dredging and excavation

activities will not introduce or re-introduce toxic substances which may have accumulated in the river bottom or spoil bank sediments. Precautions will include pre-construction water quality and sediment chemical analysis, and water quality monitoring during and after dredging and excavation projects. Proposed dredge spoil sites will be reviewed to determine if they will contribute to the objectives of the Local Waterfront Revitalization Program and are consistent with these policies. However, spoil disposal sites are not acceptable if they are located in a designated wetland, or will permanently disturb a significant wildlife habitat.

The Town of North Greenbush will refer all applicants for mining, dredging and/or excavation activities to the Army Corps of Engineers and NYSDEC for appropriate permits. Dredging permits will be granted if it has been satisfactorily demonstrated that 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 8, 15, 19, 21, 21A, 31 and 44.

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:

This policy shall apply not only to commercial storage and distribution facilities, but also to residential and other users of petroleum products and radioactive and other toxic or hazardous materials. Spills, seepage or other accidents on or adjacent to coastal waters or which, by virtue of natural or man-made drainage facilities, eventually reach coastal waters are included under this policy. Such materials are present in the waterfront at the sewage treatment plant (fuel and chemicals for sewage treatment), and is in the form of cargo being shipped along the railroad. Additional activities, such as development of a full-service marina, will result in more petroleum and/or other hazardous material handling. The marina shall provide for the proper handling of petroleum products and boat maintenance and repair wastes. The overall number of these anticipated additional activities however, is limited (also see Policy 39).

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

Explanation of Policy:

Best management practices used to reduce these sources of pollution could include, but are not limited to, encouraging organic farming

and pest management principles, soil erosion control practices, and surface drainage control techniques. Development shall adhere to the following standards:

1. Natural ground contours should be followed as closely as possible.
2. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
3. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainage-ways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
4. Natural protective vegetation should remain undisturbed if at all possible.
5. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
6. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
7. A ground cover should be applied sufficiently to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
8. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
9. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should only be used where vegetation is not sufficient to control erosion.
10. The length, as well as the angle, of graded slopes should be minimized to reduce the erosive velocity of runoff water.

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

Explanation of Policy:

Local groundwater supplies and surface water on the Hudson River must be protected. The impact of an action on the quality of Hudson River water will be a major factor in planning and decision making. Such impacts include those resulting from construction ac-

tivity, land use management, point and non-point pollution sources and direct actions in the waterways.

Groundwater in the North Greenbush waterfront area is not used for water supply purposes. The Hudson River is also not used for drinking water, nor are its tributaries in North Greenbush, due to quality of the water. Water quality upgrades on the Hudson would initially be for the benefit of recreation, but ultimately for development of emergency water supplies.

See Policy 31.

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

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [§27-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed". 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 waste is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas; atmosphere loading; and degradation of scenic resources.

POLICY 39A **THE UNAUTHORIZED DUMPING OF HOUSEHOLD AND COMMERCIAL SOLID WASTES ALONG THE CONRAIL TROY-GREENBUSH RAIL LINE AND RIGHT-OF-WAY, ADJACENT TO THE WETLAND, IN THE RAVINES OR ELSEWHERE WITHIN THE NORTH**

GREENBUSH WATERFRONT AREA, ESPECIALLY IN PROXIMITY TO EXISTING OR POTENTIAL RECREATION AREAS, IS PROHIBITED.

Explanation of Policy:

The undeveloped condition of the North Greenbush waterfront, in conjunction with land ownership and access patterns, seems to invite unauthorized dumping of household and commercial solid wastes, particularly along the rail line and especially near the wetland. This activity not only creates visual blight, but also increases the potential for physical and chemical degradation of the wetland. It is the intention of the Town of North Greenbush to pursue restoration of these illegal dumping areas and to prevent future dumping at any location in the waterfront area.

POLICY 40 THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES IS NOT APPLICABLE TO THE TOWN OF NORTH GREENBUSH.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY 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 waterfront area.

Expansion of the Town's existing industrial district is proposed within the waterfront area. Uses prohibited in the industrial district are specified by type, such as brewing, manufacture of certain food products, chemicals, petroleum, and metals, building material processing and commercial laundries. Such industries can degrade the environment through production of excessive air pollutants or noise, and can create a large risk of fire, explosion, radiation or other physical hazards.

The sewage treatment plant, located outside of the industrial zone, will not, by its operation, cause deterioration of the existing air quality ratings for the North Greenbush waterfront area.

However, intermittent odor problems occur at this plant and at the Albany County sewage treatment plant across the river. These odors could impair the use and enjoyment of the Town's waterfront. Therefore, the plants must be managed and monitored so as to mitigate odors to the maximum extent practicable. Actions which

cause further odors or deterioration in air quality are inconsistent with this policy.

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

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

Explanation of Policy:

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist 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

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act. One Class II freshwater wetland has been delineated in the Town, TS-105.

No tidal wetlands are delineated on the Hudson River north of the Tappan Zee Bridge.

The benefits from the preservation of wetlands include, but are not limited to:

- a. Habitat for wildlife and fish and contribution to associated aquatic food chains;
- b. Erosion, flood and storm control;
- c. Natural pollution treatment;
- d. Groundwater protection;
- e. Recreational opportunities;
- f. Educational and scientific opportunities; and
- g. Aesthetic open space in developed areas.

Wetland restoration shall be undertaken in accordance with a plan which adheres to the objectives of the State Freshwater Wetlands Law and is reviewed by appropriate authorities at the State Department of Environmental Conservation or the Department of State. The plan should consider the following: (a) enhancement of water circulation and selective deepening of existing wetland areas to favor indigenous plant species (e.g. cattails rather than purple loosestrife); (b) excavation of gravelly upland areas surrounding wetlands to create new, shallow open water areas which could serve as habitat for appropriate plant and animal species.

New roads and walkways which would traverse wetlands should be elevated wherever possible so that water circulation is not impeded. The maintenance or upgrading of existing roads and rail lines should not impinge in any way upon wetlands either by widening the existing right-of-way or releasing deleterious materials and substances.

Areas adjacent to wetlands shall be designed so as to:

- a. Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands;
- b. Direct runoff away from adjacent waters and wetlands, to the extent feasible, by site grading or other methods; and
- c. Remove runoff from parking lots, maintenance, fueling and wash-down areas in a manner that will prevent oils, grease, and detergents from reaching adjacent waters and wetlands.