

# City of Peekskill Local Waterfront Revitalization Program

***Adopted:***  
City of Peekskill Common Council, January 26, 2004

***Approved:***  
NYS Secretary of State Randy A. Daniels, July 6, 2004

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

***Concurred:***

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

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources, 41 State Street, Albany, New York 12231.



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

GEORGE E. PATAKI  
GOVERNOR

RANDY A. DANIELS  
SECRETARY OF STATE

October 6, 2004

Honorable John G. Testa  
Mayor  
City of Peekskill  
City Hall, 840 Main Street  
Peekskill, NY 10566

Dear Mayor Testa:

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

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

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

Sincerely,

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

Randy A. Daniels

RAD:mo/gn



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

JAN 14 2005

DEPARTMENT OF STATE  
COASTAL PROGRAMS

JAN 25 2005

RECEIVED

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

Dear Mr. Stafford:

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

After analyzing your RPC submission, we have concluded that the submitted enforceable policies for the City of Peekskill LWRP, as listed below, are RPCs and OCRM approves them as enforceable policies of the NYSCMP. The Peekskill LWRP proposes two boundary changes to the NYSCMP coastal boundary to encompass areas that have land and water uses that could have a direct and significant impact on the coastal waters of the State of New York. The proposed boundary changes are minor in scope and represent further detailing of the NYSCMP coastal boundary and are not a substantial change.

#### **Revised Enforceable Policies**

The following Peekskill LWRP enforceable policies further specify NYSCMP enforceable policies: 1, 2, 5, 7, 12, 14, 17, 19, 20, 21, 22, 24, and 34.

The following Peekskill LWRP enforceable policies are the same as the corresponding NYSCMP enforceable policies, except the "Explanation of Policy" section for each Peekskill LWRP enforceable policy has been revised or further specified: 6, 8, 11, 15, 16, 18, 23, 25, 27, 30, 31, 33, 36, 37, 38, 39, 40, 41, 42, 43, and 44.

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



**New Enforceable Policies**

The following Peekskill LWRP enforceable policies are new enforceable policies that were not previously in the NYSCMP: 7A, 19A, 19B, 19C, 19D, 27A, and 34A.

These new enforceable policies further detail the NYSCMP enforceable policies to create policies that are specific to the Peekskill LWRP and do not represent a substantial change.

**Unchanged Enforceable Policies**

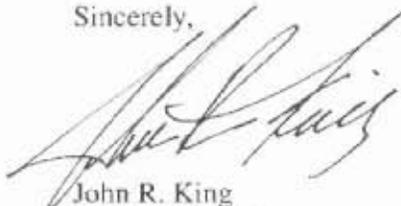
The following Peekskill LWRP enforceable policies are the same as the NYSCMP enforceable policies under 19 NYCRR, Part 600.5: 9, 10, and 13.

**Inapplicable Enforceable Policies**

The following NYSCMP enforceable policies do not apply and are not a part of the Peekskill LWRP: 3, 4, 26, 29, and 32.

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

Sincerely,



John R. King  
Division Chief

**RESOLUTION OF THE COMMON COUNCIL ADOPTING THE CITY OF  
PEEKSKILL LOCAL WATERFRONT REVITALIZATION PROGRAM**

**WHEREAS**, the City of Peekskill initiated preparation of a Local Waterfront Revitalization Program (LWRP) in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law, and

**WHEREAS**, a Draft Local Waterfront Revitalization program (DLWRP) and related local laws and zoning amendments were prepared by the Planning Commission and submitted to the Common Council;

**WHEREAS**, a Draft Generic Environmental Impact Statement (DGEIS) was prepared for the Draft Local Waterfront Revitalization Program in accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the Environmental Conservation Law (SEQRA); and

**WHEREAS**, a DLWRP, including all proposed local laws and zoning amendments, and the DGEIS were circulated by the Department of State to appropriate local, county, state, and federal agencies in accordance with requirements of Executive Law, Article 42 and Part 617 of implementing regulations for Article 8 of the Environmental Conservation Law (SEQRA); and

**WHEREAS**, the Common Council held two (2) duly advertised Public Hearings on June 25, 2001 and September 24, 2001 in order to receive and consider comments on the DLWRP, DGEIS, and all local laws and zoning amendments; and

**WHEREAS**, a Final Generic Environmental Impact Statement was prepared, accepted, and properly filed and distributed by the City of Peekskill Common Council on January 13, 2003; and

**WHEREAS**, on December 22, 2003 the Common Council adopted the City of Peekskill Local Waterfront Revitalization Program State Environmental Quality Review Findings Statement; and

**WHEREAS**, on January 26, 2004 the Common Council adopted Local Law No. 2 of 2004, the City of Peekskill Local Waterfront Revitalization Program (LWRP) Consistency Law;

JT

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Common Council of the City of Peekskill, New York that the City of Peekskill Local Waterfront Revitalization Program (LWRP) is hereby approved and Adopted; and be it further

**RESOLVED**, that the Common Council of the City of Peekskill hereby directs the Mayor of the City of Peekskill to formally transmit the adopted LWRP, and all related local implementing laws, to the New York State Secretary of State for approval pursuant to Article 42 of the NYS Executive Law – the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

ADOPTED JANUARY 26, 2004

CERTIFIED COPY  
January 26, 2004 DATE  
*[Signature]*  
CITY CLERK AND REGISTRAR

RESOLUTION APPROVED BY:  
DPW: \_\_\_\_\_  
P&D: *BOV* \_\_\_\_\_  
Legal: *AS* \_\_\_\_\_  
Finance: *MS* \_\_\_\_\_  
Asst. City Manager: *[Signature]* \_\_\_\_\_  
City Manager: *[Signature]* \_\_\_\_\_

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**SECTION I**

**WATERFRONT REVITALIZATION AREA BOUNDARY**

**A. BOUNDARY DESCRIPTION**

Beginning at a point where the City of Peekskill/Town of Cortlandt boundary intersects with the mean high water line of the Hudson River, generally northeasterly along the City/Town boundary to where the City/Town boundary intersects with a line along the southeast bank of Peekskill Hollow Brook along the line of the 100-year flood or 100 feet back from the bank, whichever is greater; then downstream on a similar line on the other side to Union Church/Annsville Road; then southeasterly on this road to Bear Mountain Parkway; then westerly on Bear Mountain Parkway to the western most exit onto Highland Avenue; then southeasterly along that exit to the intersection of Highland Avenue and Pemart Avenue; then east along Pemart Avenue to a point where it intersects with the bear Mountain Parkway right-of-way; the southwesterly along this right-of-way until it meets the eastern boundary of the St. Mary's property; then southerly along the eastern property line of the St. Mary's property to Paulding Street; then west on Paulding Street to St. Mary's Street; then south on St. Mary's Street to John Street; then east on John Street to Spring Street, then south on Spring Street to Main Street in the City of Peekskill; then westerly on Main Street to US Route 9; then southerly on US Route 9 to the southern boundary of the City of Peekskill; then generally northwesterly along the City of Peekskill/Town of Cortlandt boundary to a point where the City/Town boundary intersects with the mean high water line of the Hudson River.

The waterside boundary begins at a point where the City of Peekskill/Town of Cortlandt boundary intersects with the mean high water line of the Hudson River then northwest to the centerline of the Hudson River; then northerly along the centerline of the River that coincides with the Westchester County/Rockland County boundary to a point where the northern boundary of the City of Peekskill intersects the centerline of the Hudson River; then northeast to a point where the City of Peekskill/Town of Cortlandt boundary intersects the mean high water line of the Hudson River.

**B. REVISIONS TO THE STATE BOUNDARY**

The City of Peekskill Common Council made the following changes to the City's Waterfront Revitalization Boundary in order to encompass those lands and water uses having direct and significant impact on its coastal waters.

"... to its intersection with Highland Avenue; then southeasterly on Highland Avenue to the Bear Mountain Parkway to the western most exit on Highland Avenue to the intersection of Highland Avenue and Pemart Avenue; then west along Pemart Avenue to Nelson Avenue; then south on Nelson Avenue

to Phoenix Avenue; then west on Phoenix Avenue to Decatur Street; then south on Decatur Street to Paulding Street; then west on Paulding Street (Belden Street) to St. Mary's Street; then south on St. Mary's Street to John Street; then east on John Street to Spring Street; then south on Spring Street to Main Street; then easterly on Main Street to Nelson Avenue; then southerly on Nelson Avenue to South Street; then westerly and southwesterly along South Street and the South Street exit of US Route 9 to US Route 9; then southerly on US Route 9 to the southern boundary of the City of Peekskill; then generally northwesterly along the City of Peekskill/town of Cortlandt boundary to a point where the City/Town boundary intersects with the mean high water line of the Hudson River."

The first revision to the State Coastal Boundary was the inclusion of the area surrounding the St. Mary's property. The original boundary was located further inland and followed Decatur Avenue to Phoenix Avenue, proceeded up Nelson Avenue to Catherine Street, and then traversed in a southwesterly direction along property lines to the St. Mary's property. The revised boundary now includes historic Fort Hill Park and adjacent property.

The second revision of the boundary to include these eastern portions of Main Street, South Street and Central Avenue occurred for two reasons. Firstly, according to the Flood Insurance Rate Map (FIRM) dated August 15, 1984, and last revised May 18, 1999, Central Avenue is part of the 100-year flood zone. The basic flood zone extends from the Hudson River east along Central Avenue, continues eastward after Central Avenue becomes Park Street, veers slightly toward the northeast until it reaches Grant Avenue, and then turns southeasterly until it connects with Penelope Pond and McGregory Brook.

The described flood hazard area extends landward well past the City's proposed waterfront boundary; however, in order to make the waterfront revitalization area a manageable size, the boundary was extended only as far as Nelson Avenue. A number of flood improvements have been made to the McGregory's Brook drainage area allowing part of the Flood Plain Area to be remapped.

The second reason for the extension of the boundary is because of the City's desire to establish Central Avenue as an entranceway to the Riverfront Green area of the waterfront. The City of Peekskill enacted a Local Waterfront Revitalization Program and corresponding Zoning Ordinance Text, which mandate that Central Avenue become the major corridor linking the Central Business District / BID (Business Improvement District) to the Waterfront District. The extension of the boundary eastward on Central Avenue conforms to the mandates of the Waterfront District, Sub-Area 2, which calls for the attractive rehabilitation of older structures and the general revitalization of this deteriorated area. By extending the boundary further inland, any redevelopment along Central Avenue, Main Street, and South Street must

be in accordance with the Waterfront Revitalization Program. The area's inclusion in the program offers the City the opportunity to direct and regulate its future waterfront redevelopment activities, helps to enhance the waterfront area, and encourages compatible uses for the steep areas found along both sides of the McGregory Brook Valley.



**SECTION II**  
**INVENTORY AND ANALYSIS**

## A. EXISTING LAND AND WATER USES

### 1. Overview

The City of Peekskill is a densely populated urban area as is apparent by existing land and water use patterns. The 2000 Census indicated that the total city population is 22,441. Large areas of industrial use, private institutional uses, and public open space generally characterize the waterfront area. Scattered throughout the area are small pockets of general commercial, low density residential, warehouse and distribution uses, municipal uses and vacant land. A substantial amount of underutilized industrial land and several deteriorated properties exist throughout the waterfront planning area.

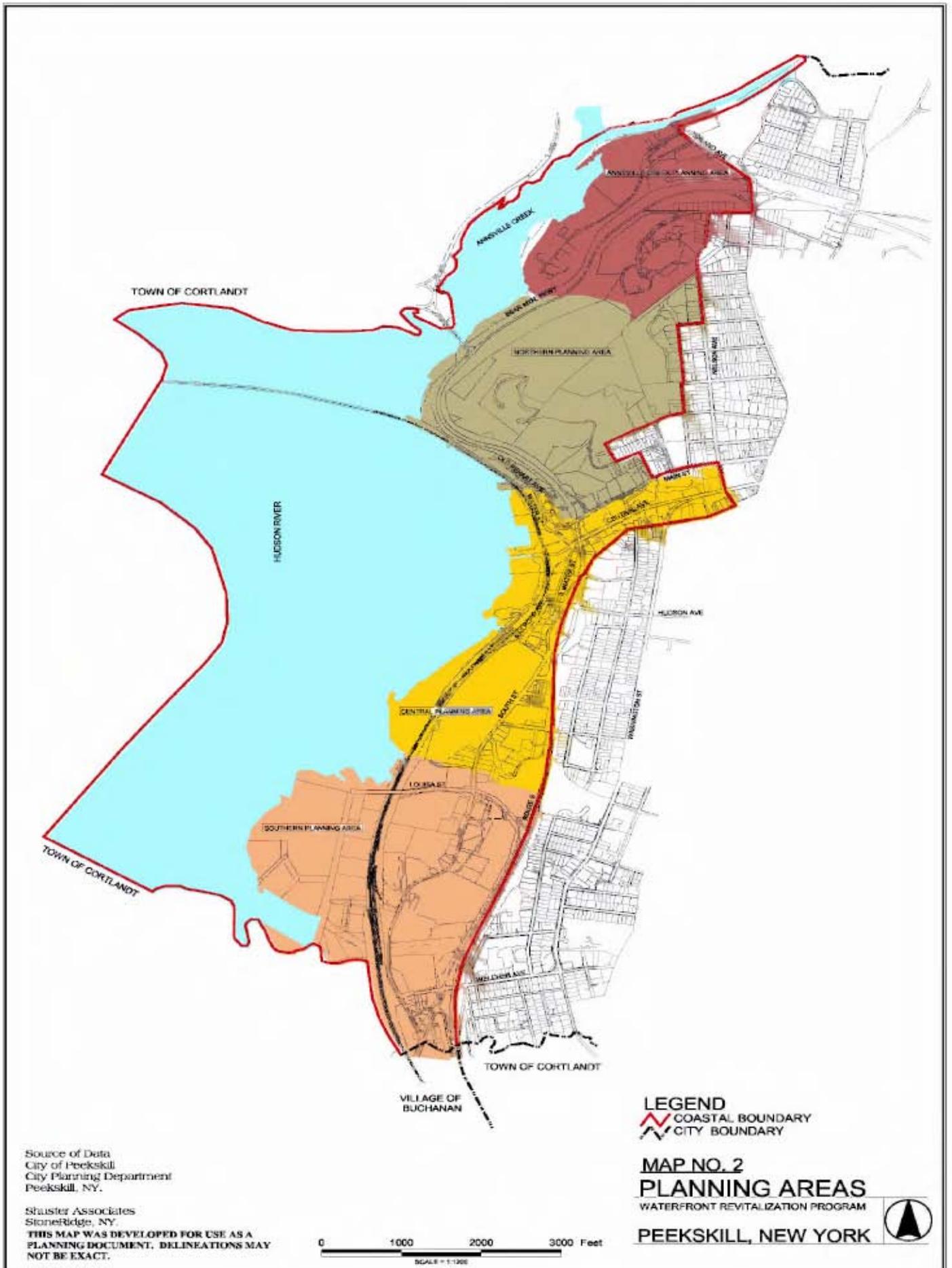
The Peekskill Waterfront Revitalization Area can be divided into two land use areas: 1) the waterfront areas along the Hudson River and Annsville Creek and 2) the inland areas that have a direct and significant impact but are not directly located on the coastal waters. Because existing uses influence the future use and development of the area, it is important to have an understanding of the existing land use patterns within the area.

For the purpose of this study, the waterfront area may be divided into four planning areas: 1) Southern, 2) Central, 3) Northern and 4) Annsville Creek. By dividing the waterfront area, the City is able to develop more specific planning strategies and policies specific to the conditions and needs within each area. Existing land use patterns are presented on the attached maps.

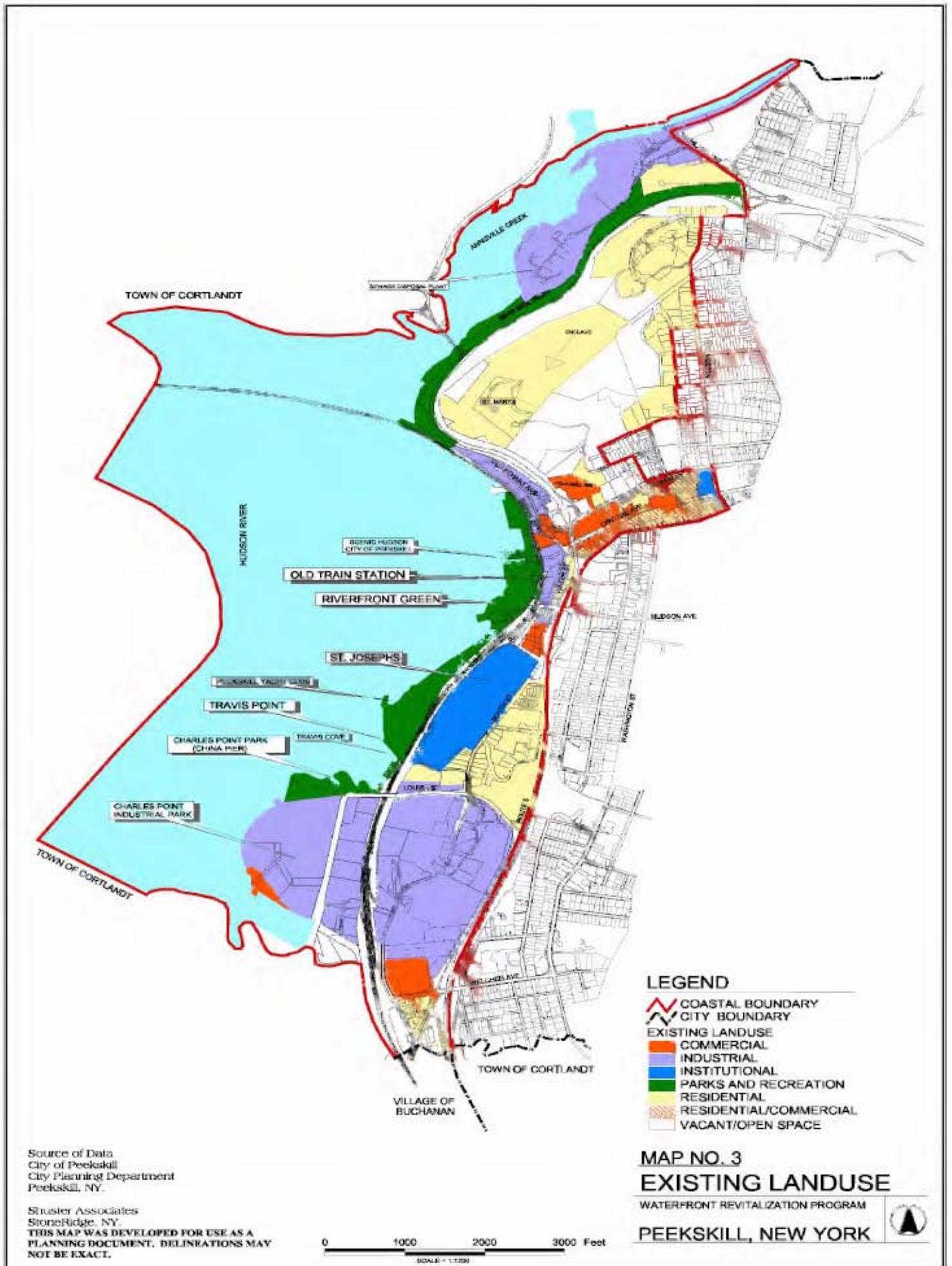
- a. **Southern Planning Area** - The Southern Planning Area begins on the west side of Lower South Street paralleling the Metro North railroad tracks at the City limits. The properties on the western side of Lower South Street and to the east of the railroad tracks are characterized by a concentration of heavy industrial uses including utilities, manufacturing and outdoor storage (scrap metal, automobile and used machinery parts and contractors' materials and construction materials). This portion of the Southern Planning area is considered blighted and underutilized and consists of primary uses that are non-conforming with current zoning. Continuing north on Lower South Street are additional non-conforming residential uses and the City garage.

West from Louisa Street one enters the Charles Point Industrial Park. This area consists primarily of light manufacturing and commercial uses. Specific uses include a large manufacturing facility, the Westchester County Resource Recovery Facility (RESCO), office parks (including arts and crafts studios), distribution uses and a mixed-use complex including a privately owned marina and boat repair shop. RESCO is located on the water's edge and is

considered a non-conforming use. Adjacent to RESCO is a 2.9-acre City-owned parcel that is highlighted by “Fleischmann’s Pier” a highly utilized public access point to the Hudson River.



Map 2 Planning Areas



Map 3 Existing Land Use

The Pier allows some large ships to dock; when the harbor is dredged it will be able to accommodate a wider range of vessels.

- b. **Central Planning Area** - Along South Street on the eastern side of the railroad tracks is a 26-acre parcel of institutional land owned by the Missionary Sisters of the Third Order of Saint Francis (also known and referred to herein as The St. Joseph's property). The property is currently used as a convent for a small number of Sisters. There is a current proposal to develop a portion of the site for rental housing. West of the tracks, along the Hudson River, is the Peekskill Yacht Club. North of the yacht club is the Riverfront Green municipal park with a combined land and underwater acreage of 53 acres along the waterfront. Immediately north of the Riverfront Green west of the railroad tracks is a vacant parcel of land previously occupied by the former Hudson Valley Yacht Club and a light industrial facility. This former industrial area has been purchased by Scenic Hudson and will be given to the City after certain improvements have been made for the price of \$1.00. The acquisition of this strategic parcel will allow for the expansion of Riverfront Green Park and other City improvements on the waterfront.

The area north from Requa Street to Pemart Avenue between the tracks and US Route 9 consists predominantly of a mixture of industrial, general commercial, automotive commercial, warehouse and distribution uses and parking. Small concentrations of low density and multifamily residential uses are located along South Street (between Requa Street and Hudson Avenue) and Water Street (near the Main Street/ US Route 9 interchange). Heading east along Central Avenue toward the City center is enclosed outdoor storage, warehouse/distribution, industrial and office uses as well as a restaurant. The Art Hi-Tech Lofts are under construction opposite the municipal/community center. Many parcels along Central Avenue are vacant because of urban renewal and street improvement activities and steep slopes on the south. The area is also affected by the McGregory Brook drainage basin.

- c. **Northern Planning Area** - A hotel and restaurant are located on the north side of Main Street at US Route 9. North of the hotel is an 83-acre parcel of institutional land owned by the Sisters of Saint Mary as well as Chateau Rive, a 49 unit residential complex, created from a building from the institutional complex. Another 42-acre parcel to the north, locally known as Fort Hill, is zoned for planned residential development but may be purchased by the Trust for Public Land and/or Open Space Institute to be used as open space. Adjacent to this parcel, the City owns, Fort Hill Park, approximately 20 acres of land on the northwest perimeter of the property (east of US Route 9).

An area of vacant public land occupies the area along Annsville Creek between the Metro North Railroad and the Jan Peek Bridge connecting the Bear Mountain Parkway and the Town of Cortlandt. The small single-family dwellings that once occupied the area have been demolished and public access to the area is blocked. Given the closing of Pemart Avenue and the steep topography, this open space area is inaccessible by vehicle.

- d. **Annsville Creek Planning Area** - A construction company, industrial storage, an industrial park and the Westchester County Sewage Treatment Plant make up the eastern portion of the Annsville Creek Planning Area. The industrial use adjacent to the Westchester County Sewage Treatment Plant (STP) is used for the outdoor storage of construction materials and equipment. A variety industrial and commercial uses are permitted by the current zoning for the portions of land adjacent to Annsville Creek. The City of Peekskill plans to redevelop some of the sites in the vicinity of Annsville Creek under City control. All such redevelopment will be in compliance with zoning standards.

The western portion of the Annsville Creek Planning Area consists primarily of a small wetland. To the south of the wetland is municipally owned open space with an unpaved trail. While the buffer land surrounding the wetland is not suitable for development, there is the potential to open this site to public access through the development of a pedestrian or vehicular trail.

## **2. Water-Dependent and Water-Enhanced Uses**

Water dependent uses within the waterfront area include the marina and Fleischmann's Pier at Charles Point, the Peekskill Yacht Club and the pier and boat launch at the Riverfront Green. For the 2003 season the City of Peekskill has sold a total of five (5) moorings and a total of two hundred thirty-three (233) boat launch permits. The City has approximately 184 boat slips at its marinas. To date the City has only had one request for docking at Fleischmann's Pier for a total of two (2) days. The City has two (2) pump-out availability for vessels; one (1) at the Peekskill Yacht Club and one (1) at the Charles Point Marina.

As defined by the New York State Department of State, a water-enhanced use has no critical dependence on the waterfront but the profitability of the use and/or the enjoyment level of the users is increased significantly because the use is adjacent to or has visual access to the waterfront. Based upon this definition, water enhanced uses throughout the LWRP area include the proposed River View

Development/Enclave undeveloped site, <sup>1</sup> Fort Hill Park, the motel/restaurant off Main Street, the Riverfront Green Park, the St. Joseph property and the Crystal Bay Restaurant at Charles Point as well as scattered residential and non-residential uses throughout the area. For the most part, non-residential establishments within the waterfront area do not enhance and/or take advantage of the waterfront location.

### **3. Underutilized, Abandoned or Deteriorated Sites**

a. **Southern Planning Area** - As with many waterfronts across the nation, the Peekskill waterfront contains some areas in deteriorating condition. The Southern Planning area has a number of underutilized and abandoned sites. In addition to vehicle storage facilities, a site maintained by the City of Peekskill's Department of Public Works (DPW) and other privately-owned garages, a number of parcels located south of Louisa Street and along Lower South Street provide scrap metal storage services and recycle used machinery. These uses combine to contribute a significant blighting influence to the area. The area is currently subject to further review and improvement under the South Street urban renewal plan.

b. **Central Planning Area** - The St. Joseph's institutional property has large areas of undeveloped open space. Additional development of a portion of the site for multi-family condominium is currently being considered. The area north of the St. Joseph's property to Water Street is developed with commercial, warehouse / distribution and industrial uses and contains many underutilized and deteriorating parcels. There are also parking lots and storage areas within the area with many structures showing signs of deterioration due to age and lack of maintenance. Central Avenue and the north side of South Street have similar characteristics and show similar signs of deterioration. Deteriorating structures coupled with vacant and underutilized parcels make these areas prime for redevelopment.

Properties north of the Riverfront Green to the west of the railroad tracks include deteriorating buildings, some of which are related to the marina and the historic "Lincoln" Railroad Station. There are deteriorated docks and bulkheads and other miscellaneous structures along the shore and at the water's edge that are blighted and may cause navigational hazards.

c. **Northern Planning Area** - The vacant area along Annsville Creek, north and east of the Bear Mountain State Parkway was once the site of single family, bungalow type houses. While access is closed, the Peekskill Waterfront

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<sup>1</sup> The Developer is under contract to see this property to the Trust for Public Land (TPL) for public open space or parkland.

Redevelopment Plan indicates that a trail could be developed in this area; a pedestrian or vehicular trail would increase public access opportunities to the shoreline. The City has begun the implementation of segments of a waterfront trail. (See Appendix A-6) for more information on the City's Waterfront Trail.

- d. **Annsville Creek Planning Area** - The western portion of this area includes a small municipally owned strip of land wedged between the Bear Mountain State Parkway and Annsville Creek. While this land is primarily undevelopable, the potential exists to extend a vehicular or pedestrian trail from the Northern planning area of the County Sewage Treatment Plant.

#### **4. Public Access Areas and Recreational Facilities**

Currently the public access areas and recreational facilities within the waterfront area are limited to the Riverfront Green Park and Fleischmann's Park. Public access and physical improvements to the grade crossing of the railroad tracks have been completed at the Riverfront Green Park. The City, in conjunction with The Scenic Hudson Land Trust, Inc., (SHLT) will be creating additional public access on Peekskill Landing, a 4-acre parcel directly to the north of Riverfront Green Park. Additionally, the City is in the process of construction public hiking trails and a fishing pier in the Annsville Preserve (Northern Planning area). The possibilities for future public accesses to currently inaccessible points need to be explored, particularly at RESCO at Charles Point. Additional access to the City-owned parcel south of Riverfront Green needs to be provided for pedestrians.

Furthermore, significant differences in grade levels exist between and even within parcels near the waterfront. For this reason, grade separated access from the St. Joseph's parcel is desirable for both pedestrians and vehicles in order to improve approaches to the waterfront. A portion of the property is currently being developed as Condominiums and no public access is currently planned for this portion. The City decision-makers will review any future proposals for the portion of the property still under ownership by the Sisters of St. Frances to see if future access to the waterfront is feasible. The recent RESCO land acquisition in the form of an easement will allow the City's proposed trail extension to extend for the length of the Hudson River bank.

#### **5. Existing Zoning**

Zoning is the primary land use control device available to the City. The current zoning designation of a given area is indicative of the type of development that is permitted and reflects the City's intent, rather than necessarily the existing land use or development. The City of Peekskill Zoning Ordinance has twenty-three (23) districts, thirteen (13) of which are found within the waterfront area. The City's Zoning Ordinance has been

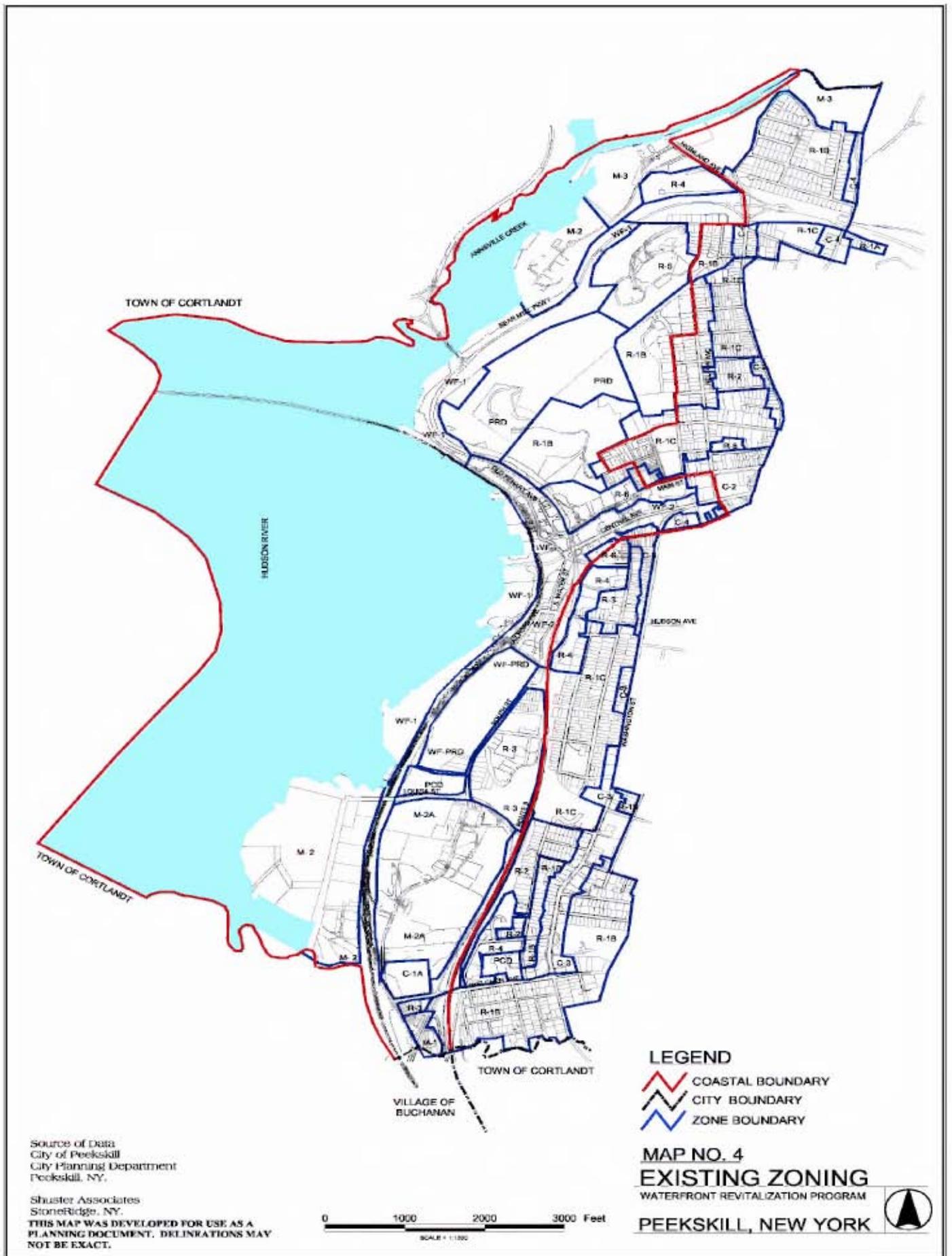
amended several times in recent years to implement recommendations for development policies in the waterfront area, as described in detail in Section V. These zoning districts are indicated in the following table and illustrated on the accompanying map.

These zoning districts are indicated in the table on the following page:

<b>ZONING DISTRICT</b>	<b>DESCRIPTION OF CITY ZONING DISTRICTS</b>	
R-1A	One Family Residence	7,500 SF Minimum Lots
R-1B *	One Family Residence	6,000 SF Minimum Lots
R-1C	One Family Residence	5,000 SF Minimum Lots
R-2	One and Two Family Residence	Single Family: 5,000 SF Minimum Lots Two Family: 7,500 SF Minimum Lots
R-3 *	One, Two and Three Family Residence	One and Two Family: Same as "R-2" Three Family: 10,000 SF Minimum Lots
R-4	Low Density Multiple Residence	
R-5	Medium Density Multiple Residence	
R-6 *	Central Multiple Residence	
PRD *	Planned Residential Development	
PCD *	Planned Commercial Development	
C-1 & C-1A *	Limited Shopping Center	
C-2	Central Commercial	
C-3	General Commercial	
C-4 *	Neighborhood Commercial	
M-1 *	Light Industrial	
M-2 *	General Industrial	
M-2A *	Design Industrial	
M-3	Industrial Park	
WF	Waterfront District	
WF-1 *	Waterfront/Water Adjacent Water Related or Enhanced Uses	
WF-2 *	Waterfront/Inland Parcels Dense Mixed Commercial/Residential	
WF- PRD *	Waterfront Planned Residential Development	

Table 1 Zoning Districts

\* - Districts Located in the Waterfront Area



Map 4 Existing Zoning

## 6. Historic Structures, Sites and Districts

At present, the Standard House (locally known as the Standard Restaurant and located at 50 Hudson Avenue) is the only structure in the waterfront area listed on the National Register of Historic Places. The following structures located throughout the City are also listed in the National Register:

- the Beecher Estate (locally known as the Highland Avenue condominiums), located at 3 Beecher Lane;
- the United States Postal Service Building, at 738 South Street;
- the Drum Hill School, located at 90-91 Ringgold Street, and
- Villa Loretta (locally known as Villa at the Woods) located at 1701 Crompond Road.

The Peekskill Department of Planning and Development and the former Historic Preservation Advisory Board (HPAB) conducted a citywide inventory of additional structures that could be of potential historic interest. The inventory included 16 structures and a park within the waterfront area that were considered to be of potential historic interest at the local level, located at the following addresses.

- 618 South Street
- 1036 Lower South Street - Pond House (Lent House)
- 419 Lower Main Street
- 660 Main Street (Depew Homestead)
- 110 Bay Street
- Corner of South and Bay Streets
- 636 Main Street
- 813 Main Street
- 829 Main Street
- 833 Main Street
- St. Mary's (Water Building)
- St. Mary's (Laundry Building)
- 104-06 Spring Street
- North Water Street
- The Lincoln Train Station <sup>2</sup>
- Fort Hill Park
- Former St. Joseph's School / Orphanage

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<sup>2</sup> Historic Register Nomination was prepared & submitted to the New York State Office of Parks, Recreation and Historic Preservation for review. The private owner objected and the nomination process was stopped. When the City owns or has control of the property, the nomination will be resubmitted to landmark the property.

The City of Peekskill Common Council has designated two structures as local landmarks. One structure was included in the citywide inventory and one was not. The two local landmarks in the waterfront area are the Pond House known locally as (Lent House) located at 1036 Lower South Street and the Lincoln Exedra (Train Station) located on South Street across from the Peekskill Terrace apartments

At the present time each of these structures is located on their original site. Previously, it had been proposed that the Pond House (Lent House) be moved to the Riverfront Green area. After consulting with SHPO,<sup>3</sup> it was determined it would be preferable not to move the structure. The City of Peekskill does not own the land on which the Pond House is situated, however, and the current owner has stipulated that the structure be moved in an agreement with the City.

In addition to the City's historic resources, the Hudson Highlands Scenic Area of Statewide Significance is located adjacent to the City and the City benefits from this natural resource.

## **B. NATURAL FEATURES**

### **1. Scenic Resources and Important Vistas**

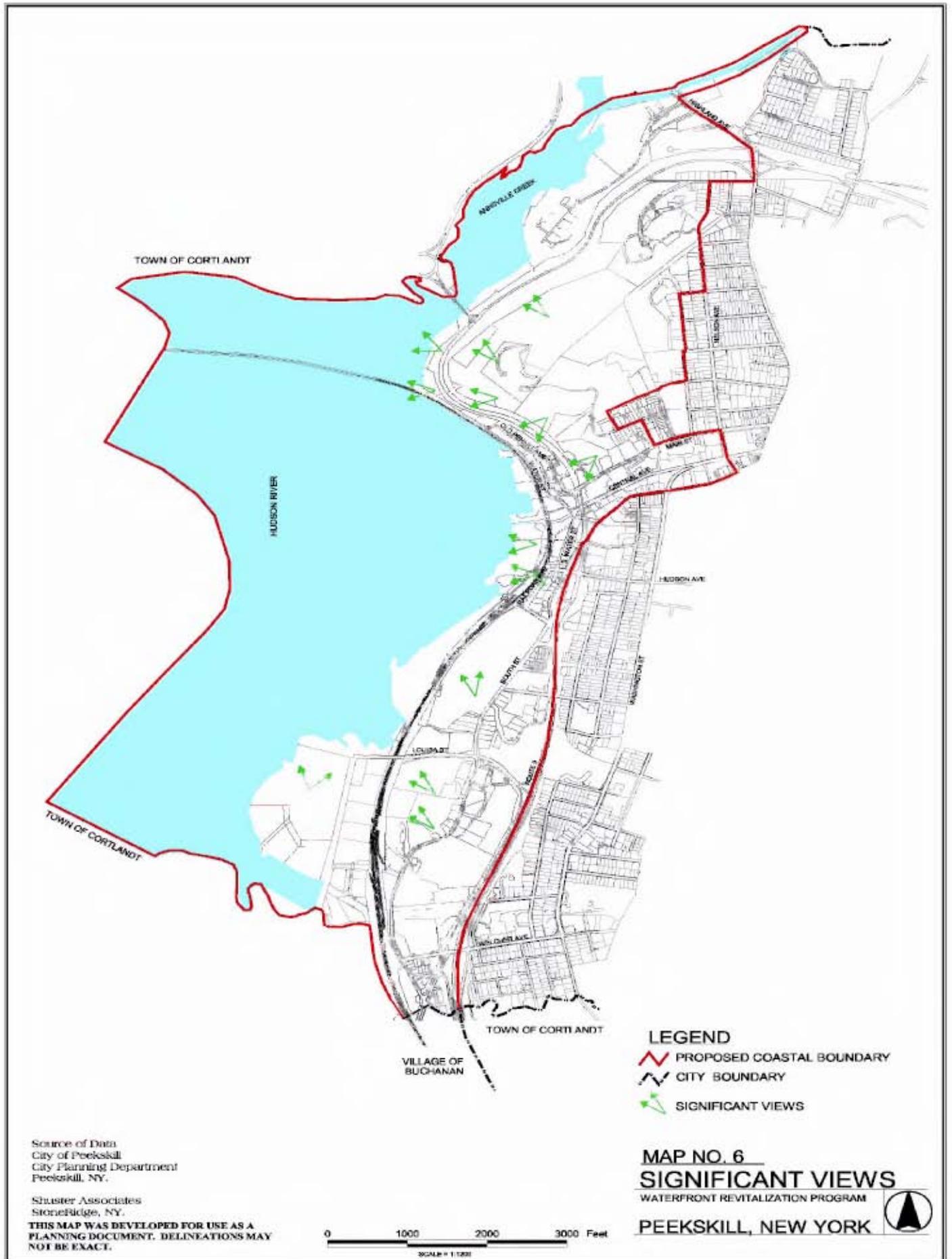
The following excerpts are from the report entitled "Hudson River and Peekskill Bay Past and Present Environment" and from "701 Waterfront and Uplands Study: Urban Design Considerations, Planning Determinants, Land Use Opportunities and Constraints"<sup>4</sup> and describe the scenic resources and important vistas in and around the City of Peekskill.

Peekskill Bay is surrounded on almost all sides by high ground ranging in elevation from 600 feet to more than 1,300 feet. Bear Mountain is more than 1,300 feet in height. Dunderberg Mountain has a peak elevation of 1,086 feet. Mine Mountain and Anthony's Nose to the north and northwest have elevations of more than 800 feet. To the east and within the City of Peekskill, the hills are more than 500 feet high. To the southeast is the Blue Mountain County Reservation (County Park) with elevation in excess of 600 feet. The only extensive low areas are to the south in Verplanck and the Village of Buchanan. At Peekskill Bay, the Hudson River turns nearly 90 degrees in its course. Located along the outside edge of this turn, Peekskill Bay is the setting of panoramic water vistas of great beauty. Views toward the southwest and north include the majestic Hudson River,

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<sup>3</sup> Historic Preservation Staff from the New York State Office of Parks, Recreation and Historic Preservation (SHPO).

<sup>4</sup> Summary Report, 701 Waterfront Uplands Study, Peekskill, New York, March 1975. Prepared by Raymond Parish and Pine, Inc., Consultants.



Map 6 Significant Views

an American Heritage River, as a foreground against a background of the hills and mountains that border it. The Hudson Highlands, a Scenic Area of Statewide Significance (SASS), begin just to the north of Peekskill Bay, where Mine Mountain, Manitou Mountain, Anthony's Nose, and Bear Mountain are some of the striking land forms visible from the Bay Area. The cliff-like sides of the steep hillside on which the St. Mary's School is located partially rim the northern side of the Bay in Peekskill and are among the most dominant land features visible from the Bay in this direction. Dunderberg Mountain is immediately opposite Peekskill Bay on the west side of the river.

There are interesting views from points in the Bay west of the shoreline, as well as from higher elevations near the shoreline. Likewise, there are interesting views to the east of the City's developed areas, including the business district and the surrounding higher elevation developments.

The Peekskill Bay area views contain interesting and exciting contrasts between natural and man made features. The hills, mountains, forests, and river are constantly visible and dominant. Interesting contrasts are provided by such manmade features as the developed urban areas of Peekskill to the east, including the St. Joseph's property, the St. Mary's parcel, and the brick single family home north of the motor lodge. The railroad freight and passenger traffic is visible at the shoreline's edge. Also, partially visible east of the Bay, at certain points, at an elevation that is higher than the railroad tracks, is the vehicular traffic on US Route 9. River traffic, ranging from small pleasure boats to large ocean going vessels, is also visible from the shore.

Visitors to Riverfront Green Park enjoy a variety of views and vistas. The St. Mary's and St. Joseph's parcels are visible from the park. The park offers spectacular views of the mountains beyond the River and of Peekskill Bay. The views from Fleischmann's Park are almost unmatched in scenic beauty.

Although many properties in and around the waterfront area have good views of the water and its surrounding landscape, only a few properties within the waterfront boundary have substantial vistas or panoramic views. These properties include the properties housing the Sisters of St. Mary's, the St. Joseph's property, the single-family residence located behind the Peekskill Motor Inn and the Lindroos Apartments.

## **2. Topography**

Topography in the waterfront area is characterized by relatively flat areas along the water's edge, usually consisting of a combination of man-made landfill, and moderate to excessive slopes further inland.

The portion of the Southern Planning area is flat with most changes in topography ranging between 0-15% slopes. North of Louisa Street and into the Central Planning area

the topography begins to change. Although there are some areas with slight slopes (0-15%), much of this area has slopes between 15-35%. This area is also characterized by rock outcroppings and stony soils, which continue northward to include the Central Planning area and a majority of the Northern Planning area including the St. Mary's property.

To the west and north of the St. Mary's property are areas of excessive slopes (35-60%), extremely stony soils and numerous rock outcroppings.

### **3. Soil and Bedrock Formations**

All of the soil classifications in the waterfront area, as noted by the United States Department of Agriculture's Soil Conservation Service, are those identified as having "severe" limitations for non-farm uses, including recreational use. Soil Classifications in the area include:

1. Charlton and Narragansett Extremely Stony Soils (22)
2. Hollis Association (70)
3. Hollis Rock Outcrop Association (17)
4. Salt Water Marsh (102)
5. Cut and Fill Land (104)
6. Made Land (105)

It is important to note that both cut and fill and man-made land could have development potential, however, site-specific soil borings would be necessary to determine soil composition and the type of development possible. Cut and fill soils can be found along the shoreline and include the majority of Charles Point and most of Riverfront Green extending north to the marina. In the Central Planning area, on the landward side of the railroad tracks, cut and fill land can be found around the St. Joseph's property and up Central Avenue. Man-made land (sanitary landfill composed of clean construction and demolition debris) can be found in the Annsville Creek Planning Area at the Westchester County Sewage Treatment Plant site.

Hollis Association and Hollis Rock Outcrop Association classifications can be found throughout the waterfront area with concentrations occurring in the Central Planning Area south of Hudson Avenue, on the landward side of the railroad tracks and at the crest of the St. Mary's property. Charlton and Narragansett Extremely Stony Soils are found along the base of the St. Mary's property landform to the north, east and south. Excessive slopes ranging from 15-60%, characterize Charlton and Narragansett Extremely Stony Soils. As previously mentioned, the areas to the north and east of St. Mary's property have excessive slopes (35-60%) and most of the St. Mary's property has a slope between 15 and 35%.

Finally, when discussing soils and bedrock, it is important to mention that a majority of the waterfront area has shallow soils and a high water table. According to information provided by the New York State Coastal Management Program, only a few areas within the waterfront boundary do not have shallow soils. These areas are along Lower South Street south of Charles Point; parts of Charles Point; Louisa Street north to St. Joseph's property; the Riverfront Green area; areas around Central and Main Streets; and along Annsville Creek.

#### **4. Flood Hazard Areas**

Flood Hazard Areas are those areas within the 100-year floodplain as determined by the National Flood Insurance Program (NFIP) under the Federal Emergency Management Agency (FEMA). The Flood Insurance Rate Map (FIRM) for the City of Peekskill, dated August 15, 1984 and last amended in August 10, 1998 designates those areas prone to flooding at the 100-year flood level. The flood hazard areas do not extend far into the City, with the exception of the following areas: the area around the Westchester County Sewage Treatment Plant; and the southern portion of Charles Point and the McGregory Brook Valley, which runs from the Hudson River's edge past the waterfront boundary along Central Avenue. In most cases, due to topography, the flood plain extends landward less than 100 feet from the shore.

The Flood Hazard Map has been revised effective May 18, 1998 by the Federal Emergency Management Agency (FEMA). This revision reflects the drainage and storm water management improvements that have been constructed over the years to alleviate flooding along McGregory Brook. The City's Flood Damage Prevention Law (Chapter 170 of the City Code) is also presented in Appendix A-9.

#### **5. Tidal and Freshwater Wetlands**

The NYS Department of Environmental Conservation is currently reviewing changes in the areal extent of tidal / freshwater wetland areas along the Hudson River and Annsville Creek shorelines. Many of these areas are regulated under the NYS DEC's freshwater wetland regulations. All areas along these shorelines are regulated under the DEC's Article 15 (Stream Disturbance) regulations.

As identified by the Department of Environmental Conservation, there are two Critical Environmental Areas (CEAs) designated within the City of Peekskill. These areas are the Hudson River and the Peekskill Hollow Brook, which is the source of the City of Peekskill's drinking water.

After completion of a "trends" analysis by the NYS DEC, in which wetlands areas would be compared over time, the DEC will determine if revisions to the existing tidal wetlands

regulations are warranted. Currently, along the Hudson River, tidal wetland areas south of the Tappan Zee Bridge are subject to regulation.

There are two freshwater wetlands, as identified by the Department of Environmental Conservation and regulated pursuant to Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act), within or adjacent to the Peekskill waterfront area. Wetland number P-5 is a Class II wetland <sup>5</sup> located in the southern portion of Charles Point on the inland side of Broadway from Lent's Cove.

Wetland number P-4 is a Class I wetland and is wholly or partially contained within the Camp Smith Marsh and Annsville Creek habitat described below under Significant Fish and Wildlife Areas.

**6. Water Quality**

According to the New York State Coastal Management Program water quality classifications in and around Peekskill are indicated in the following table:

LOCATION	CLASSIFICATION
Lent's Cove	I
North of Charles Point (Inland)	D
North of Charles Point (At Hudson River)	SB
Hudson River	SB
Peekskill Bay	SB
Lower Annsville Creek	SC
Upper Annsville Creek	B

Table 2

Of those water classifications found in Peekskill, two are fresh surface water classifications, two are saline surface waters and one is a special classification. Class "B"

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<sup>5</sup> Class II wetlands provide important wetland benefits. The loss of these wetlands is acceptable only in limited circumstances. A wetland permit shall be issued only if it is determined that the proposed activity satisfies a pressing economic or social need that clearly outweigh the loss of or detriment to the benefit(s) of the Class II wetland. The proposed activity must be compatible with the public health and welfare. The proposed activity must be the only reasonable alternative that could accomplish an applicant's objectives. The proposed activity must minimize degradation to, or loss of, any part of the wetland.

is the highest quality fresh surface water located in the area. Class "B" waters are suitable for fishing and many other uses. The second fresh surface water classification, Class "D" is suitable for primary and secondary contact recreation. Secondary contact recreation includes those activities where water contact and the chance of ingestion are minimal, such as boating and fishing; however, because of natural water quality conditions in most cases fish reproduction is limited.

Class "SB" and Class "SC" are both saline surface water classifications. Class "SB", the higher quality of the two classifications, is suitable for both primary and secondary contact recreation and activities. Class "SC" waters are suitable for fishing and other secondary contact activities. Class "I" is a special classification. These waters, found around Charles Point, are also suitable for secondary contact activities but specifically exclude shell fishing for market purposes.

## **7. Significant Fish and Wildlife Areas**

Although no Significant Coastal Fish and Wildlife Habitats have been designated in the City of Peekskill by the NYS DEC, there are two locally significant fish and wildlife habitats at Camp Smith Marsh and Annsville Creek and Peekskill Bay. Outside the Peekskill municipal boundaries, but adjacent or proximate to, the Peekskill waterfront area are three Significant Coastal Fish and Wildlife Habitats: Haverstraw Bay, Hudson River Mile 44-56 and Iona Marsh, and two other locally significant fish and wildlife habitats: Anthony's Nose and Bald Mountain, respectively.

### **a. Locally Significant Habitats**

- (1) **Camp Smith Marsh and Annsville Creek:** Although the Camp Smith Marsh and Annsville Creek Habitat did not meet the threshold for designation by the NYS Department of State, it is recognized by the NYS Heritage Program, the NYS Department of State, the NYS Department of Environmental Conservation and the Nature Conservancy as an important tidal habitat.

The habitat consists of a small marsh area near a small tributary stream at Camp Smith, and a medium to large shallows and creek area associated with Annsville Creek with smaller amounts of mudflats and upper marsh. The small creek at Camp Smith is very important as a spawning and nursery area

for marsh fish species, among these are the banded killifish and the mummichogs. It is a low diversity habitat of fair quality that has experienced moderate disturbance. It contains a rare plant species; spongy arrowhead, and has a moderate to heavy invasion by common reed. It is not known whether or not there are other valuable species.

The tidal flats of the greater Annsville Creek area, i.e., those areas inside of the railroad tracks, have significant quantities of submerged aquatic vegetation (SAV), among these are wild celery, pondweed species, Eurasian water milfoil. The tide flats of the greater Annsville Creek area, i.e. those areas inside of the railroad tracks, are significant resting and feeding areas for several species of wading birds, among these are Great Blue Heron, Great Egret, Green Heron, and the Black-crowned Night Heron. The Annsville Creek tide flats, i.e. those areas inside of the railroad tracks, are significant resting and feeding areas for several species of migrating waterfowl, among these are the Mallard, Black Duck, and Canada Goose. The shoeline of the greater Annsville Creek area, i.e. those areas inside the railroad tracks, are significant resting and feeding areas for several species of migratory shorebirds, i.e. sandpipers and killdeer. There is a muskrat population of unknown size in Annsville Creek and Sprout Brook. River Herring studies for the Hudson River Foundation in 1999 revealed a significant springtime spawning run of white sucker in both Annsville Creek and Sprout Brook.

The hydrological and sedimentation patterns along the City's shoreline were greatly altered when the railroad was built in the 1850's. Peekskill Harbor was dredged on several occasions during the early part of the 20th Century, but there is no record of more recent dredging. The City is currently seeking a US ACOE Permit to allow further dredging; the permit applications are under review. Major features along the City's shoreline include a railway with one tidal outlet, a tank farm, a dredged area and the Westchester County Sewage Treatment Plant. Surrounding uses include highways, the Camp Smith military reservation, industry, the Indian Point Power Plant, urban areas, and housing. The New York Natural Heritage Program currently recognizes the rare plant communities it contains. The area wholly or partially includes a State-regulated freshwater wetland P-4.

- (2) Peekskill Bay: In 1974, a study of the Hudson River and Peekskill Bay environment revealed that Peekskill was an excellent area for biological activity. Following is an excerpt from the document entitled "Hudson River and Peekskill Bay: Past and Present Environment" which supports this finding:

*“There are many reasons why one would expect the Peekskill region of the Hudson to be an excellent area for biological activity. It is in the region of the salt front where many nutrients are known to collect. Dissolved oxygen, the life-sustaining ingredient, is generally at a high level. The water temperature varies considerably (but never causes a deep freeze) thus attracting fish with different temperature preferences. Most organisms are tolerant to the PH range. There is a silt-clay bottom in the Bay and a sandy bottom along the shoreline. During the summer and fall, there is an abundance of attached plants in the shoal areas, where smaller animals can feed and escape predators. Along some parts of the shoreline there are large stones and riprap that act as shelter for the smaller animals as well as providing shoreline stabilization. There are shallow bottoms with low currents and deeper bottoms with higher currents. There are marine fish which may like fresh and brackish water; fresh water fish which like brackish water; marine fish which swim upstream to spawn (anadromous); fresh water fish which swim to the ocean to spawn (catadromous); fish which like to swim in the region of the salt front and fish that will go wherever there is food.”*

An abundance of estuarian life has been catalogued in the Peekskill region of the Hudson River. There are at least 70 species of phytoplankton, fourteen species of attached plants, 133 species of invertebrates (lower animals including mussels and zooplankton protozoa and shrimp), and 46 species of fish.

According to the 1974 study, there are ten important fish species in the Peekskill region of the Hudson River. They are as follows:

- (a) Shortnose Sturgeon (endangered species) - Although the Shortnose Sturgeon does not have a specific habitat location in Peekskill, its presence in this section of the Hudson is not uncommon.
- (b) Atlantic Sturgeon (protected species) - The Atlantic Sturgeon were once a major component of the Hudson River commercial fishery. However, declining population indices resulted in closure of the sport and commercial fishery in 1997. The Atlantic sturgeon, as a juvenile, has become uncommon in the estuary, certainly less common than the shortnose. Immature sturgeon over winter in deeper sections of the lower Hudson River, including the area in the vicinity of Peekskill. As an adult, the Atlantic sturgeon is anadromous, migrating from the sea to spawn. There are some data to suggest that in high-flow “wet springs,” Atlantic sturgeon may spawn in the vicinity of Peekskill Bay at the very least. Peekskill Bay is recognized as a major conduit for the Atlantic Sturgeon springtime spawning run to upriver freshwaters areas.
- (c) Striped Bass - The Striped Bass spawns as far north as Greene and Columbia Counties and is the most important sport fish of the river. Adult Striped Bass swim upstream from the lower Hudson and Mid-Atlantic and deposit eggs in the swift moving currents of the center channel in slightly brackish or fresh water and then return to the sea. This generally occurs in the areas between Iona Island, just north of Peekskill and Kingston. Most of the eggs are deposited between Newburgh and Kingston. The eggs are semi-buoyant (demersal) and move with the aid of the River current; early larvae float downstream to the salt front. The older larvae show a preference for salt-water conditions. Hudson River striped bass seem to have no set schedule for recruitment to coastal stocks. Some leave as young-of-the-year. Many out-migrate as yearlings and most have left, at least temporarily, by their second summer. Also, a 2-3 year-old striped bass weighs from one to two pounds at best. In late summer and fall, through most of October, Peekskill Bay provides a conduit for young-of-the-year striped bass heading down river to higher salinities. The Atomic Energy Commission, in its Environmental Impact Statement on the Indian Point Nuclear Energy Plant estimates that eighty-five percent of the

young fish feed in Haverstraw Bay and the Tappan Zee, while fifteen percent feed from Peekskill Bay north.

- (d) American Shad - The American Shad is the only other important commercial species in the Hudson. The American Shad, like the Atlantic sturgeon, are anadromous, migrating from the sea to spawn. Peekskill Bay is a major conduit for the springtime American shad spawning run to upriver freshwater areas. The shad spawn up to the Troy Dam, young –of-the-year American shad feed throughout the entire reach of tidewater, including Peekskill bay in late summer.
- (e) Bay Anchovy - The Bay Anchovy spawns down stream and then moves upstream to a nursery area in Haverstraw Bay. The bay anchovy is a common summer resident of the Peekskill Bay, particularly in “dry” low-flow summers with elevated salinity.
- (f) Atlantic Tomcod – Adult Atlantic tomcod are relatively common in Peekskill Bay from late November through March. Atlantic tomcod are anadromous, migrating from the sea to spawn. Peekskill Bay is a conduit for their late-fall and winter spawning run to upriver freshwater areas. Young-of-the-year and juvenile Atlantic tomcod are present in Peekskill Bay throughout the year. Tomcod have an atypical life history in that some never leave the estuary, remaining to spawn as one-year olds.
- (g) Hogchoker – The hogchoker is found throughout the entire estuary from the New York Bight to the federal dam of Troy. They are a common resident species, particularly from March through November, of Peekskill Bay.
- (h) White Perch - The White Perch is a permanent resident of the Hudson River. The fish has little commercial value, but is caught as a sports fish. White Perch could be consumed if the PCBs are removed from the Hudson River and when the species become PCB free. It prefers bottom and shoal waters and is very common in Peekskill Bay.

- (i) Alewife – The Alewife is anadromous and a springtime spawner. In late March and early April, adult alewives migrate upriver from the sea, through Peekskill Bay, enter Annsville Creek and ascend Annsville, Peekskill Hollow and Sprout brooks to spawn. All three brooks have, to varying degrees, a spawning population. The Annsville Creek Complex appears to host a significant annual spawning effort by these river herring. All adults have left by early June. In late summer and fall, through most of October, Peekskill Bay provides a conduit for young-of-the-year alewives heading to the sea.
  
- (j) Blueback Herring – The Blueback Herring is anadromous and a springtime spawner. In April, adult blueback herring migrate upriver from the sea, through Peekskill Bay, to upriver freshwater tributaries and the Mohawk River to spawn. There is little if any evidence that blueback herring enter Annsville Creek except as accidentals. There is no evidence of spawning in Annsville Creek. In late summer and fall, through all of October to early November, Peekskill Bay provides a conduit for young-of-the-year blueback herring to the sea.

There are also three common invertebrates in the Peekskill Region.

- (a) Blue Crab - The Blue Crab, that for unknown reasons varies in abundance from year to year, has been very common in Peekskill Bay.
  
- (b) Barnacles – Barnacles that attach to any hard surface are fairly common.
  
- (c) Polychaete Worms - Polychaete Worms are commonly found in the silt-clay substrate of Peekskill Bay.

Because of their sensitivity to pollution and siltation invertebrates are much less common in the Hudson River today than they were in the past.

In recent years there has been an increase presence of wintering Bald Eagles in Peekskill Bay from Fleischmann Pier (formerly China Pier) to Roa Hook (river miles 43-44). In the case of a hard winter freeze, eagles will perch on the ice barely a hundred yards offshore of Riverfront Green, Wintering Bald

Eagles use Peekskill Bay as a foraging and feeding ground. As a federally protected species, their presence must be considered in terms of their alert distance of 250 meters, their flight distance of 125 meters, and any onshore activities.

Harbor seals are marine mammals, while unpredictable in their presence, are nevertheless occasional visitors to Peekskill Bay and possibly Annsville Creek. The most recent occurrence was of an adult harbor seal hauled out on an ice flow in Peekskill Bay in February 2001 among six Bald Eagles. At the very least, Peekskill Bay provides a conduit for these federally protected marine mammals in their travels from the Atlantic and the lower brackish reach of the Hudson to upriver freshwater areas..

b. Surrounding Habitats of Statewide Significance

Three habitats adjacent or proximate to the waterfront area have been designated by the State as Significant Coastal Fish and Wildlife Habitats. They are as follows:

(1) Haverstraw Bay:

Habitat Description: Haverstraw Bay extends approximately six miles on the Hudson River, from Stony Point to Croton Point, in the Towns of Stony Point, Haverstraw, and Clarkstown, in Rockland County, and the Town of Cortlandt, in Westchester County (7.5' Quadrangle: Haverstraw, NY; NOAA Chart No. F, 12343).

The fish and wildlife habitat encompasses the entire river over this approximate six-mile reach, which is the widest section of the Hudson estuary. Haverstraw Bay has extensive shallow areas (less than 15 feet deep at mean low water) that deepen to a navigation channel that is dredged to maintain a depth of about 35 feet) in the western half of the area. During much of the year, this area is the place where freshwater from the upper river mixes with salt water from the Atlantic, producing predominantly brackish water habitats, with salinities that vary according to many factors, among which are inshore/offshore, freshwater flow, time of tide, and most importantly, the depth where measurement is taken. In Haverstraw Bay,

channel bottoms can have salinities as high as 12-15 parts per thousand (ppt) in mid-winter and late summer and early fall. The land area surrounding Haverstraw Bay supports a variety of land uses, including industrial, commercial, residential, and recreational developments, although much undeveloped forestland also remains.

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

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

Although the location of the salinities vary or change in a much narrower scope than “annual” or “seasonal,” significant changes can be daily, even hourly. Frequent changes of 10%-50% can occur depending upon strength of tide or weather phenomenon. This is a very dynamic aspect of the lower brackish reach of the Hudson. Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, American shad, white perch, tomcod, and Atlantic sturgeon that are produced in the Hudson River. Other anadromous species, such as blueback herring and alewife, spawn in upstream freshwater areas, but move south and concentrate in this area before leaving the river in the fall.

Haverstraw Bay is also a major nursery and feeding area for certain marine species, most notably bay anchovy, Atlantic menhaden, and Atlantic Blue crab. Depending on location of the salt front, a majority of the spawning and wintering populations of Atlantic Sturgeon in the Hudson may reside in Haverstraw Bay. Shortnose sturgeons usually winter in this area, as well. Significant numbers of waterfowl do occur in Haverstraw Bay during spring (March-April) and winter (September to January) migrations. In addition to

migratory waterfowl, passing through to points south, there is a significant population of wintering waterfowl that spend the winter in Haverstraw Bay and Peekskill Bay, e.g., Bufflehead, Ruddy Ducks, Common Mergansers, Ring-necked Ducks, Black Ducks, Mallards, and Canada Geese.

Haverstraw Bay is a critical habitat for most estuarine dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and foraging fish species. Young-of-the-year bluefish and weakfish are two species of marine spawners that use the Haverstraw Bay complex for a feeding and nursery area. Consequently, commercial and recreational fisheries throughout the North Atlantic depend on, or benefit from, these biological inputs from the Hudson River estuary.

(2) Hudson River Mile 44-56:

Habitat Description: Hudson River Mile 44-56 extends roughly from Cornwall Bay to Peekskill Bay, in the Towns of Cornwall and Highlands, Orange County; Stony Point, Rockland County; Philipstown, Putnam County; and Cortlandt, Westchester County (7.5' Quadrangles: West Point, NY; and Peekskill, NY). The fish and wildlife habitat encompasses all of the main river channels below mean low water over an approximate twelve-mile reach. This area is a very narrow and deep (up to 200 feet deep) section of the Hudson River, with strong currents and a rocky bottom substrate.

During spring and early summer, surface salinity in the area is almost always less than one part per thousand, i.e., essentially freshwater. In late summer and fall, the salinity can reach 2.0-6.0 ppt. In some years, salt indicators such as bay barnacles are common in this reach of the river. During the summer and fall, however, salt intrusion often extends upstream beyond River Mile 56. The land area bordering Hudson River Mile 44-56 is predominantly steep, rocky hillsides, with a variety of land uses, including undeveloped forest land (e.g., Storm King, Bear Mountain, and Hudson Highlands State Parks), small urban centers, and the West Point Military Reservation. In addition, railroad tracks closely follow the shoreline on both sides of River Mile 44-56. The habitat also includes most of Iona Island, which is part of

the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education).

Fish and Wildlife Values: Hudson River Mile 44-56 is one of several relatively long reaches of the river channel that are very deep and narrow, with strong currents and rocky substrates. It is the most extensive area of this habitat type in the Hudson River, and contains the majority of deepwater (and greatest maximum depth) in the entire Hudson estuary.

River flows in this segment of the Hudson River are considerably larger than in upstream narrow areas, because of the additional input of three major tributaries (Wappinger, Fishkill, and Moodna Creeks). This area is also significant because it is the southernmost extent of essentially freshwater in the Hudson River estuary during fish spawning periods.

The combination of rocky substrates, swift currents, and freshwater (during spring runoff), over this large area provides highly favorable conditions for reproduction by anadromous fishes, especially striped bass. Deep turbulent areas appear to be primary spawning habitat for striped bass, and according to both historical and recent data, River Mile 44-56 is the most important spawning area for this species in the Hudson River. In recognition of this, much of the area has restrictions on the operation of gillnets to protect the spawning population. Generally, these two species enter the area to spawn in May and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the brackish portion of the Hudson River. Although the commercial fishery for striped bass in the Hudson River was closed in 1985 due to high contaminant polychlorinated biphenyls (PCBs) levels, River Mile 44-56 contributes significantly to commercial and recreational fisheries throughout this migratory range.

Striped bass stock discrimination studies conducted in coastal New York and southern New England indicate that approximately 15-20% percent of striped bass harvested in these fisheries were of Hudson River origin, the remainder primarily originating from the Chesapeake Bay system. With the documented poor Chesapeake production from 1983-1985, it is anticipated that the

relative contribution of the Hudson stock to the coastal migratory striped bass population will continue to rise above 50 percent. Deepwater areas such as Hudson River Mile 44-56 are also used by concentrations of species that spawn elsewhere in the Hudson River estuary. Deep areas are used as migrational routes by Atlantic sturgeon and shortnose sturgeon, and may be important nursery areas for these species. As the salt front moves up through this area, a variety of marine species, such as bluefish, anchovy, Atlantic silverside, hogchoker, and Atlantic blue crab may also enter the area. The concentrations of anadromous and marine fishes occurring in Hudson River Mile 44-56 attract significant recreational fishing pressure within the area, attracting visitors from throughout the lower Hudson Valley.

The fisheries in Hudson River Mile 44-56 attract a significant concentration of wintering Bald Eagles. Apparently, upwellings along the river shoreline bring fish concentrations near the surface, and because this area rarely freezes, it provides a dependable prey base for these birds. The concentration of food fish that attract wintering Bald Eagles come primarily from the thermal shock and impingement and entrainment effects of the power plants at Bowline, Lovett, and Indian point. Bald Eagles have been reported in this area since at least 1981. In recent winters (1999-2001) as many as fifty (50) Bald Eagles have been counted at one time out on the ice and in the air in Peekskill Bay. Winter residence in the area generally extends from December through March. These birds feed throughout River Mile 44-56, and Iona Island is a primary roosting area. The Palisades Interstate Park Commission has designated Iona Island as an eagle sanctuary. Other roosting areas include undisturbed woodlands along both sides of the river, especially near sheltered coves. Fish species commonly taken by the wintering eagles include gizzard shad, striped bass, white catfish, and white perch. Goldfish, brown bullheads, and sunfish are freshwater species that are rarely taken by wintering eagles in the Peekskill Bay reach. Currently, gizzard shad are the most common forage species, followed by white catfish, striped bass, white perch, and occasionally American eels.

(3) Iona Island Marsh

**Habitat Description:** Iona Island Marsh is located between Iona Island and the west shore of the Hudson River, approximately three miles northwest of the City of Peekskill, in the Town of Stony Point, Rockland County (7.5' Quadrangle: Peekskill, NY). The fish and wildlife habitat is an approximate 270-acre tidal, freshwater to brackish, wetland, dominated by narrow-leaved cattail. Non-vegetated tidal flats, sub tidal aquatic beds, and rocky uplands also occur in the area. Tidal creek channels meander through the marsh, but account for a very limited amount of open water.

Iona Island Marsh receives freshwater inflows from Doodletown Brook, a small, high gradient, stream. Parts of Iona Marsh are locally known as Salisbury Meadow, Ring Meadow, and Snake Hole Creek. The marsh is hydrologically connected to the Hudson River through openings in the railroad at each end of Iona Island.

The land area surrounding Iona Island Marsh is steep, rocky, undeveloped, forest land, subject to limited human disturbance. Principal habitat disturbances in the area are limited to traffic on Route 9W and the Conrail railroad (that parallel the western and eastern boundaries of the area, respectively), and recreational activities on Iona Island, including use of a man-made causeway for access to the island. This causeway bisects the marsh, but culvert pipes that run under the road accommodate the flow of tidal water. Iona Island Marsh is located within Bear Mountain State Park, and is owned by the Palisades Interstate Park Commission (PIPC).

**Fish and Wildlife Values:** Iona Island Marsh is one of the largest, undeveloped, tidal wetlands on the Hudson River. Tidal marshes and flats such as those found in Iona Island Marsh are between the most valuable fish and wildlife habitats in the Hudson Valley. The ecological importance of Iona Island Marsh has been recognized in several formal designations: it is one of four sites comprising the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education); and, it is registered as a National Natural Landmark with the U.S. Department of the Interior.

Iona Island Marsh is a highly productive wetland, with minimal human disturbance, providing favorable habitats for a variety of fish and wildlife species. The marsh is especially important for marsh-nesting birds; probable or confirmed breeding species include green-backed heron, least bittern, Canada goose, mallard, wood duck, Virginia rail, sora, common moorhen, spotted sandpiper, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Concentrations of herons, waterfowl, osprey, and shorebirds also occur in Iona Island Marsh during spring (March-April) and fall (September-November) migrations but the extent of use has not been documented. Other resident wildlife species in the area include muskrat, mink, snapping turtle, northern water snake, and green frog.

Shallow bay areas and creek channels in Iona Marsh provide spawning and nursery habitats for a variety of anadromous and resident freshwater fishes. Species found in the area include alewife, blueback herring, white perch, striped bass, banded killifish, and mummichog. In addition to fish and wildlife values, the rocky islands bisected by the causeway contain fragile strands of walking fern and prickly pear cactus, two unusual plant species in New York.

The diversity and abundance of wildlife species in Iona Island Marsh are unusual in the lower Hudson River. In 1947, the PIPC designated the marsh a Bird Sanctuary. Opportunities for bird watching, along with recreational fishing, and informal nature study, attract a substantial number of Rockland County residents to the area. More important, however, is that designation of Iona Marsh, as an Estuarine Research Reserve, encouraging research and education activities in the Hudson Valley in this Hudson River area.

In addition to the locally significant habitats and surrounding habitats of statewide significance, there are two locally significant habitats outside of the waterfront area. These are Anthony's Nose and Bald Mountain.

## C. INFRASTRUCTURE

### 1. Public Water and Sewer Service

Both public water and sewer lines service the entire waterfront area. Because of the size and age of many of the lines, existing pipes need to be replaced to achieve a larger capacity system if new development takes place. Adequate utility lines have recently been installed on Charles Point in connection with the site preparation activities for the established industrial park.

The Peekskill Yacht Club currently has adequate service. If new development or expansion takes place, the existing sewer and water mains should be replaced with larger pipes. With limited difficulty, new service lines in this area can be tied into the existing system.

The Riverfront Green area has adequate facilities; however, malfunctioning of the force main along South Water Street has caused problems such as standing water, seepage, and system overload. The City received funds to replace the faulty pipeline along South Water Street with a new 16" line. Now installed, the new improvements will serve to eliminate any problems relating to water and sewer service in this area.

Water and sewer facilities around the site of the former Hudson Valley Yacht Club are currently adequate. As with other locations along the waterfront, larger pipes would need to be installed if there is an increase in development. It may also be necessary to install a new pump station if more intensive development is proposed. The installation of new lines will be difficult because a system tie-in would require digging underneath the railroad tracks. There is no convenient tie-in on the riverside of the tracks.

The vacant area east of the St. Mary's property (formerly the Enclave Development Site)<sup>6</sup> would need new lines and a new pump station installed if any new development is proposed. These improvements would be expensive. Because there is presently no access to the area, the exact condition of the existing facilities is unknown.

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<sup>6</sup> This site is no longer proposed for development. The Developer / owner is in contract with the Trust for Public Land (TPL) to sell the site to TPL as open space and/or parkland.

Aside from the areas mentioned above, the current water and sewer service within the waterfront area is adequate and has the capacity to support additional development; however, large or intensive developments will need to be assessed on a case-by-case basis.

## **2. Transportation**

The waterfront area is serviced by US Route 9 from the south and the Bear Mountain State Parkway from the north and east. Both of these major highways have access ramps located within the waterfront area. There are also major City arterials that provide direct access to the waterfront area. Major City arterials include Lower South Street, South Street, Louisa Street, Hudson Avenue, Central Avenue, Main Street, Highland Avenue and Pemart Avenue.

The New York State Department of Transportation completed a \$9 million dollar upgrade of US Route 9 in the late 1980's. This upgrade included construction of a new US Route 9 interchange with Louisa Street to provide direct access to the Charles Point Industrial Park and the replacement of both the Bay Street and Franklin Street bridges. The project also includes the construction of a southbound acceleration lane at South Street. Additional improvements to US Route 9 and several other bridges are planned. Specific details are not available at this time.

The Metro-North Railroad also serves the City of Peekskill. Passenger trains are available for travel in both north and south directions. The local train station is located on Railroad Avenue adjacent to Riverfront Green. Water transportation is limited. However, small watercraft can be docked at the two marinas located on the Peekskill Waterfront. Larger ships can dock at the one remaining active dock, which primarily serves the historic vessel "Commander", located approximately one-quarter mile south of McGregory Brook.

## **D. ISSUES AND OPPORTUNITIES**

Based upon the inventory and analysis of existing conditions within the waterfront area, a number of planning issues and opportunities were identified. These planning Issues and Opportunities include the following:

## **1. Underutilized and Vacant Land**

### **a. Southern Planning Area**

Some vacant land at Charles Point still exists and needs to be developed since this represents an important element of the City's economic base. A unique opportunity exists in this area to develop a mixed-use district consisting of light industrial, commercial and recreational/water dependent uses.

### **b. Central Planning Area**

Portions of the St. Joseph's property are presently vacant and underutilized. However, a current condominium proposal will add up to 201 housing units to a portion of the site. The remainder of the site will continue to be used by the Sisters of St. Francis as a residence for older nuns. These parcels are suitable for residential and mixed-use development proposals. The provision of public access to the shoreline needs to be a necessary component of site plan approval for parcels abutting the shoreline, where practicable and feasible.

The Peekskill Waterfront Redevelopment Plan, prepared by Sasaki Associates in December 1989, calls for a bridge linking the site to Travis Cove in order to provide direct waterfront access for this site and the City. Further, the plan indicates that residential townhouses and flats are appropriate for the flatter portions of the St. Joseph's site. When the Sister's portion of the site comes before the City with a redevelopment proposal, City decision-makers will re-examine the feasibility of public access at that time.

It is important to stress that these two parcels are the only instances in the Waterfront District where construction on water-adjacent parcels shall be permitted. Within the waterfront area, construction activities are to be the exception, rather than the rule. The two parcels discussed are the only two parcels in the area that satisfy the unique conditions of 1) location adjacent to Riverfront Green, and 2) peninsula cut off from public access by rail road tracks.

**c. Northern Planning Area**

The vacant area to the east of St. Mary's property (formerly the Enclave property) should be considered for a combination of residential use and expanded open space. The Planned Residential Development (PRD) on the St. Mary's property will provide additional residential units within the waterfront area. An expanded recreational use is contemplated for the property located next to the City-owned Fort Hill Park.

**2. Public Access, Recreational, Water-Dependent Use Issues**

**a. Access**

Access to the waterfront is currently limited. Additional and improved public access to the waterfront should be pursued. This would include but not be limited to access in and around the Louisa Street/Charles Point area, the Riverfront Green area, both marinas and the vacant open space west of the St. Mary's property.

Riverfront Green houses the Riverfront Pier. In addition, it is the main public access area on the waterfront. Its use is, however, restricted by the following:

- Inadequate pedestrian and vehicular railway crossings
- Narrow access roads to the yacht club
- Inadequate waterfront parking space
- Inadequate outdoor furniture
- Inadequate waste disposal facilities

The City, in conjunction with The Scenic Hudson Land Trust, Inc., (SHLT) will be expanding public access opportunities by creating additional public access opportunities on the property currently under joint ownership located directly to the north of Riverfront Green Park. As components of the Peekskill Landing Project and the restoration of the Historic Lincoln Railroad Station are implemented, many of the deficiencies listed above will be remedied.

The vacant area along Annsville Creek west of St. Mary's is designated for public recreation and open space. Another site in the Annsville area that is capable of

providing public access is the urban renewal land along the creek between the railroad and the Bear Mountain Parkway Bridge. This site affords excellent views to the river because of its location atop steep cliffs. Accesses to these views are, however, prevented by the closure of Pemart Avenue, the only pedestrian and vehicular route to the site. The Peekskill Waterfront Redevelopment Plan has recommended that a road be constructed in this area with a signal allowing two-way traffic in one lane, leading to a picnic area and dock for launching model boats or other water-dependent recreational uses. The implementation of this aspect of the plan should be pursued.

The property that is part of the Westchester County Sewage Treatment Plant along the river can be modified by the addition of an appropriate walkway or viewing platform to the existing structure.

Other possible public access sites in the waterfront are as follows:

- The resource recovery plant at Charles Point (RESCO)
- The Pier at Riverfront Green
- The St. Joseph's Property
- Scattered residential and commercial uses that do not take full advantage of their waterfront location

The City has obtained an easement from the owners of the RESCO facility and plan to use this linkage for the City's waterfront trail. The redevelopment of the pier at Riverfront Green is one of the components of the Peekskill Landing Project. As the waterfront area is redeveloped and the land becomes more valuable, the future projects proposed could be mandated to include a public access component by the Common Council or Planning Commission, as these projects are reviewed under the SEQRA review process and the City review process.

**b. Utilities**

Improved water and sewage disposal facilities will be needed at the Peekskill Landing site and the vacant area east of the St. Mary's property as a result of increased public access expected to result from Waterfront redevelopment.

### **3. Water and Air Resources Issues**

The Peekskill Bay area currently supports four regional energy and three waste management facilities. These facilities include the RESCO Westchester County Solid Waste Incinerator which produces energy; the Sprout Brook Ash Landfill located nearby in the adjacent Town of Cortlandt; the Westchester County Sewage Treatment Plant; the Indian Point Nuclear Power Plant, located less than half a mile from the southern boundary of the Southern Planning area in the Village of Buchanan; the Bowline Point Generating Station, an electric generating facility utilizing primarily heavy oil located in the Town of Haverstraw; and the Lovett Generating Plant, an electric generating facility utilizing heavy oil and coal, located across the river in the Town of Stony Point. Daily tractor-trailer traffic, delivering garbage generated throughout Westchester County to the RESCO facility, also impacts the Peekskill Bay area.

New waste management and regional energy generating facilities seeking a waterfront location in the City of Peekskill should be discouraged in order to avoid further impacts on water and air resources. The Westchester County Resource Recovery Plant located on Charles Point receives and stores solid wastes from Westchester, Putnam, and Rockland Counties and from parts of New York City. The residue from burnt waste is transported to the Sprout Brook Ash Landfill in the Town of Cortlandt. The operation is subject to all applicable federal, state and local laws and regulations, and its expansion capabilities need to be limited.

Currently, water quality classifications around Charles Point and at the mouth of Annsville Creek are I and SC, respectively. Water quality improvements would allow for a greater variety of recreational activities especially fishing and primary contact activities such as swimming and/or water skiing. Because recreational fishing is popular in Peekskill, especially in the Riverfront Green area, water quality improvements along the shoreline and around Charles Point and Annsville Creek would help promote reproduction and reduce possible health hazards caused by contaminated fish.

### **4. Zoning Issues**

While the (WF) Waterfront District promotes water-related activities, other existing districts do not promote water-related activities. New zoning districts that enhance those areas within the Coastal Boundary but outside of the Waterfront Zoning Districts need

to be established. A new zoning district designation in the Charles Point portion of the Southern Planning area, which reflects the unique opportunity for light manufacturing and commercial uses in harmony with recreational uses, also needs to be developed. In addition, the zoning language for the manufacturing districts in the Annsville Creek Planning Area needs to incorporate the provisions and standards for public access and passive water-related recreation in this area.

**SECTION III**

**POLICIES**



## **DEVELOPMENT POLICIES**

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

**POLICY 1A PROMOTE A PHYSICAL, ECONOMIC AND CULTURAL LINK BETWEEN THE CENTRAL BUSINESS DISTRICT (CBD) [BUSINESS IMPROVEMENT DISTRICT (BID)] AND THE HUDSON RIVER, BY ENCOURAGING LANDSCAPING, FACADE IMPROVEMENTS AND THE DEVELOPMENT OF ATTRACTIVE PEDESTRIAN WAYS AND PUBLICLY-ORIENTED SPACE**

**POLICY 1B PROMOTE THE CONTINUED REDEVELOPMENT OF THE CHARLES POINT PORTION OF THE SOUTHERN PLANNING AREA WITH COMMERCIAL AND LIGHT INDUSTRIAL USES, AND WHERE FEASIBLE, WITH WATER DEPENDENT AND WATER ENHANCED USES FOR PARCELS ABUTTING THE HUDSON RIVER.**

**POLICY 1C ENCOURAGE REDEVELOPMENT OF THE ST. MARY'S PROPERTY AND ST. JOSEPH'S PROPERTY FOR RESIDENTIAL AND OTHER RELATED USES AND SUPPORT IN-FILL AND CONVERSION OF EXISTING BUILDINGS IN RESIDENTIAL NEIGHBORHOODS.**

### **Explanation of Policy**

Revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to a business; and the establishment of enterprise zones are all examples of governmental means for spurring economic growth. When any such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

Properties such as the St. Joseph's and St. Mary's sites are suitable for residential development and can add to the activity and diversity of uses in the waterfront area.

Existing residential neighborhoods will benefit from development of in-fill housing on vacant lots and conversion of non-residential or vacant structures to residential use.

Properties to which this policy most directly apply and which will be the subject of City revitalization efforts include: the former Hudson Valley Yacht Club site; the industrial area north of Riverfront Green; the Lincoln Train Station; the North Water Street area; outdoor storage areas throughout the waterfront area; vacant land and City-owned property along South Street; lands along Annsville Creek; the storage site adjacent to the Westchester County Sewage Treatment Plant, and the site co-owned by the Scenic Hudson Land Trust Inc., (SHLT) and the City.

The following guidelines will be used in implementing development or redevelopment actions within the LWRP area and reviewing actions proposed by government agencies and private developers:

1. On water fronting parcels, priority will be given to appropriate, conforming uses that are dependent on a location adjacent to the water;
2. Any action should enhance uses that conform with the intent of this plan;
3. The action should serve as a catalyst to private investment in the area;
4. The action must lead to development that is compatible with the desired character of the area, with consideration given to scale, architectural style, density, and intensity of use;
5. The action should have the potential to improve the existing economic base of the community;

6. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner or detract from views as seen from the water; and
7. The action should improve the potential for multiple uses of sites where appropriate. Unsuitable or inappropriate commercial or industrial uses are those which 1) pose potential pollution hazards; 2) obstruct or degrade views of or impede access to the water; 3) reduce the attraction of the waterfront for other water-related uses by virtue of visual or operational characteristics.

(See Policies 2, 5, 11, 19, 19A, 21, 23, and 25)

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

**POLICY 2A WATER-DEPENDENT USES AND ACTIVITIES OF A RECREATIONAL OR COMMERCIAL NATURE WILL BE ENCOURAGED ON WATER ABUTTING PARCELS, ESPECIALLY IN THE CHARLES POINT INDUSTRIAL PARK AND IN THE CENTRAL PLANNING AREA IN THE VICINITY OF RIVERFRONT GREEN, PARTICULARLY ON THE FOLLOWING SITES:**

- **RESOURCE RECOVERY PLANT AT CHARLES POINT**
- **PIER AT RIVERFRONT GREEN**
- **PEEKSKILL YACHT CLUB**
- **FORMER HUDSON VALLEY YACHT CLUB SITE**

This list does not preclude the use of other water abutting properties should they become available in furthering the goal of this policy.

**Explanation of Policy**

There is a finite amount of waterfront space suitable for development purposes. While the demand for any given piece of property will fluctuate in response to varying economic and social conditions, it is anticipated that long-term demand for waterfront space will intensify.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that waterfront sites will, in fact, be available to uses that require such sites. To ensure that such "water dependent" uses can continue to be accommodated within the City, all public agencies will avoid undertaking non-water dependent uses when such uses would preempt the reasonably foreseeable development of water dependent uses on waterfront sites; and all public agencies will give priority to funding and approving water dependent uses when reviewing alternative development proposals. Furthermore, State and City agencies will utilize appropriate existing programs to encourage water dependent activities.

The following uses and facilities are considered as water-dependent for the purpose of this Peekskill Waterfront Revitalization Program:

1. Uses that depend on the utilization of resources found in coastal waters (for example: fishing, aquaculture activities);
2. Recreational activities that depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas);
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Scientific/educational activities that, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
8. Support facilities which are necessary for the successful performance of permitted water dependent uses (for example: parking lots, restaurants, first aid stations, short-term storage facilities). Since these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water-dependent use rather than on the shore.

The following actions will be taken toward promoting and facilitating water-dependent uses:

1. Water-dependent uses will be given priority when considering new developments on water-abutting sites.
2. City owned water-abutting parcels within the waterfront area when available for re-use, will be considered for water-dependent uses first. Water enhanced uses will be given second priority.
3. Permit procedures for the development of water dependent uses will be facilitated.
4. Local land use controls and zoning districts within the LWRP area will be developed to favor water dependent uses for water abutting parcels. Development incentives for such uses will be considered.

In promoting water dependent uses the following kinds of actions will be considered:

1. Favored treatment to water dependent use on water abutting parcels with respect to capital programming.
2. When areas suitable for water dependent uses are publicly owned, favored leasing arrangements will be given to water dependent uses.
3. Where possible, consideration will be given to providing water dependent uses with loan guarantees, or loans at below market rates.
4. The local Industrial Development Agency and the City of Peekskill Department of Planning and Development will work with the State to actively promote water dependent uses. In addition, a list of sites available for non-water dependent uses will be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local agencies will work together with State and Federal agencies to streamline permitting procedures that may be burdensome to water dependent uses. The effort should begin for specific uses in a particular area such as within the Central Planning Area in the vicinity of Riverfront Green.

6. Local land use controls, especially the use of zoning provisions that give priority to waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses. Such controls have been incorporated into the City's Zoning Code, (i.e., the Waterfront (WF) District regulations).

In the choice of sites where water dependent uses will be encouraged and facilitated, the following guidelines will be considered.

1. **Competition for space** - competition for space or the potential for it, should be indicated before any given site is promoted for water dependent uses. The intent is to match water dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water dependent use area. Rather, the choice of a site should be made with some meaningful consideration of the impact on the real estate market. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water dependent development.
2. **In-place Facilities and Services** - most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water dependent uses, consideration should be given to the following factors:
  - a. The availability of public sewers, public water lines and adequate power supply;
  - b. Vehicular access to the area;
  - c. Access to public transportation, if a high number of person trips are to be generated.
3. **Access to Navigational Channels** - if commercial shipping, commercial fishing, or recreational boating are planned, a site within a sheltered harbor with good access to navigation channels should be given preference.
4. **Compatibility with Desirable, Conforming Adjacent Uses and the Protection of other Coastal Resources** - water dependent uses should be located so that they enhance the surrounding community. Consideration must also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative

approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water oriented tourist activities. Water dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

5. **Preference to Underutilized Sites** - actions to stimulate development of water dependent uses, capital programming, permit expediting, state and local actions shall be given priority in those portions of the waterfront which are currently underutilized.

In addition to water dependent uses, uses that are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. Residential uses and tourist commercial development certainly fall within this category, especially if development is designed to preserve open space along the water's edge and views of and from the water.

(See Policies 1, 1B, 1C, 4, 19, 21, and 22)

**POLICY 3 FURTHER DEVELOP THE STATE'S MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.**

**Explanation of Policy**

Policy 3 is not applicable. The City of Peekskill does not contain any of the state's existing major ports.

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

**Explanation of Policy**

Policy 4 is not applicable. The City does not have a harbor area with a unique maritime identity.

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

**Explanation of Policy**

The City of Peekskill is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development. Intensive development will be discouraged in areas where water and sewer facilities are not adequate. Instead, development, particularly large scale development within the LWRP area, will be encouraged to locate within or in close proximity to, areas where infrastructure and public services are adequate or can easily be expanded. Water and sewer improvements will be made where necessary and where economically feasible to support new development. Facility expansions will be made in Riverfront Green; the former Hudson Valley Yacht Club site, and at the force main on South Water Street.

The following points will be considered when assessing the adequacy of the area's infrastructure and public service for proposed developments:

1. The street and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
2. The development's water needs (consumptive and fire fighting) can be met by the existing water supply system;

- 3 The existing sewage disposal system can accommodate the wastes generated by the development;
4. The energy needs of the proposed land development can be accommodated by existing utility systems;
5. All storm water runoff from the proposed site can be accommodated by on-site and/or off-site systems; and
6. The existing schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

The allocation of funds for water and sewer improvements and other public services will give priority to activities and areas which promote waterfront revitalization in the LWRP area.

The following guidelines will be used in implementing development or redevelopment actions:

1. Uses will be promoted that will not be out of character with, nor lead to development that would be out of character with, conforming existing development in terms of the area's desired scale, intensity of use, and architectural style.
2. Uses that significantly detract from views of the water, specifically in areas where visual quality is an important component of its appeal or identity, will not be permitted.
3. Uses which enhance and promote the waterfront and uses in the public interest, such as pedestrian walkways, hotels, motels, restaurants, museums, specialty commercial establishments and recreational facilities will be encouraged.
4. Only water dependent uses will be permitted as-of-right within the Waterfront Zoning District, Sub Area 1 directly adjacent to the water. Water enhanced uses and all other non-water related uses will be considered special exception uses and will require a special permit and comprehensive staff review.

Pursuant to the Peekskill Local Waterfront Revitalization Program, Travis Point has been identified as an area with a land tract large enough to accommodate a water-enhanced use such

as a restaurant or motel. Public access to the shore would have to be facilitated by such development in this area, as a contingency for any approvals.

5. Such non-water dependent uses will be permitted on waterfront parcels only as part of a mixed use development which includes or provides a water-dependent usage and/or public access to the water such as, but not limited to a marina, a public walkway or riverfront promenade, boat launching facilities, and/or public open space or recreational areas.
6. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner.
7. Priority of low interest financing as available will be given to activities that restore, revitalize and redevelop deteriorated and underutilized areas.

(See policies 1, 11, 14, 18, 19A, 21, 30, 33)

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

**Explanation of Policy**

For specific types of development activities and in areas suitable for such development, State agencies and the City of Peekskill will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the procedures regulations is not jeopardized. Finally, regulatory programs and procedures will be coordinated and synchronized between and within each agency and level of government.

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

**FISH AND WILDLIFE POLICIES**

**POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED,**

**PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.**

**Explanation of Policy**

Although no Significant Coastal Fish and Wildlife habitats have been identified within the Peekskill Local Waterfront Revitalization Area, there are two locally significant fish and wildlife habitats at the Camp Smith Marsh and Annsville Creek, and at Peekskill Bay. In close proximity to the Peekskill waterfront area are three significant Coastal Fish and Wildlife Habitats: Haverstraw Bay, Hudson River Mile 44-56 and Iona Marsh and two other locally significant fish and wildlife habitats: Anthony's Nose and Bald Mountain.

**POLICY 7A FISH AND WILDLIFE HABITATS OF LOCAL IMPORTANCE ARE OF VALUE TO THE CITY AND ITS NATURAL RESOURCE INVENTORY AND SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY.**

**Explanation of Policy**

Habitat protection in the coastal area is necessary to assure the survival of fish and wildlife populations found in a variety of habitats considered to be of local importance. If these habitats are not protected, recreational fishing will not be. Habitats of local significance are located at Anthony's Nose and Bald Mountain in the Town of Cortlandt, north of the City, as well as the Camp Smith Marsh, Annsville Creek, Peekskill Hollow Brook and the McGregory Brook.

New development will be monitored to assure the protection of fish and wildlife. Actions that destroy or significantly impair a habitat will not be permitted. New industrial development, especially in the Southern Planning area, may not be undertaken if it destroys or significantly impairs a biological habitat. An action would significantly impair a habitat if it reduces a vital resource or changes environmental conditions. Mitigating measures will be undertaken if any adverse condition occurs or if required to prevent impairment.

## **Significant Fish and Wildlife Areas:**

Although no Significant Coastal Fish and Wildlife Habitats have been designated in the City of Peekskill by the NYS DEC, there are two locally significant fish and wildlife habitats at Camp Smith Marsh and Annsville Creek and Peekskill Bay. Outside the Peekskill municipal boundaries, but adjacent or proximate to, the Peekskill waterfront area are three Significant Coastal Fish and Wildlife Habitats: Haverstraw Bay, Hudson River Mile 44-56 and Iona Marsh, and two other locally significant fish and wildlife habitats: Anthony's Nose and Bald Mountain, respectively.

### **A. Locally Significant Habitats**

1. **Camp Smith Marsh and Annsville Creek:** Although the Camp Smith Marsh and Annsville Creek Habitat did not meet the threshold for designation by the NYS Department of State, it is recognized by the NYS Heritage Program, the NYS Department of State, the NYS Department of Environmental Conservation and the Nature Conservancy as an important tidal habitat.

**Habitat Description:** The habitat consists of a small marsh area near a small tributary stream at Camp Smith, and a medium to large shallows and creek area associated with Annsville Creek with smaller amounts of mudflats and upper marsh.

**Fish and Wildlife Values:** The small creek at Camp Smith is very important as a spawning and nursery area for marsh fish species, among these are the banded killifish and the mummichogs. It is a low diversity habitat of fair quality that has experienced moderate disturbance. It contains a rare plant species; spongy arrowhead, and has a moderate to heavy invasion by common reed. It is not known whether or not there are other valuable species.

The tidal flats of the greater Annsville Creek area, i.e., those areas inside of the railroad tracks, have significant quantities of submerged aquatic vegetation (SAV), among these are wild celery, pondweed species, Eurasian water milfoil. The tide flats of the greater Annsville Creek area, i.e. those areas inside of the railroad tracks, are significant resting and feeding areas for several species of wading birds, among these are Great Blue Heron, Great Egret, Green Heron, and the Black-crowned Night Heron. The Annsville Creek tide flats, i.e. those areas

inside of the railroad tracks, are significant resting and feeding areas for several species of migrating waterfowl, among these are the Mallard, Black Duck, and Canada Goose. The shoeline of the greater Annsville Creek area, i.e. those areas inside the railroad tracks, are significant resting and feeding areas for several species of migratory shorebirds, i.e. sandpipers and killdeer. There is a muskrat population of unknown size in Annsville Creek and Sprout Brook. River Herring studies for the Hudson River Foundation in 1999 revealed a significant springtime spawning run of white sucker in both Annsville Creek and Sprout Brook.

The hydrological and sedimentation patterns along the City's shoreline were greatly altered when the railroad was built in the 1850's. Peekskill Harbor was dredged on several occasions during the early part of the 20th Century, but there is no record of more recent dredging. The City is currently seeking a US ACOE Permit to allow further dredging; the permit applications are under review. Major features along the City's shoreline include a railway with one tidal outlet, a tank farm, a dredged area and the Westchester County Sewage Treatment Plant. Surrounding uses include highways, the Camp Smith military reservation, industry, the Indian Point Power Plant, urban areas, and housing. The New York Natural Heritage Program currently recognizes the rare plant communities it contains. The area wholly or partially includes a State-regulated freshwater wetland P-4.

2. **Peekskill Bay:** In 1974, a study of the Hudson River and Peekskill Bay environment revealed that Peekskill was an excellent area for biological activity. Following is an excerpt from the document entitled "Hudson River and Peekskill Bay: Past and Present Environment" which supports this finding:

**Habitat Description:** "There are many reasons why one would expect the Peekskill region of the Hudson to be an excellent area for biological activity. It is in the region of the salt front where many nutrients are known to collect. Dissolved oxygen, the life-sustaining ingredient, is generally at a high level. The water temperature varies considerably (but never causes a deep freeze) thus attracting fish with different temperature preferences. Most organisms are tolerant to the PH range. There is a silt-clay bottom in the Bay and a sandy bottom along the shoreline. During the summer and fall, there is an abundance of attached plants in the shoal areas, where smaller animals can feed and escape predators. Along some parts of the shoreline there are large

stones and riprap that act as shelter for the smaller animals as well as providing shoreline stabilization. There are shallow bottoms with low currents and deeper bottoms with higher currents.”

**Fish and Wildlife Values:** “There are marine fish which may like fresh and brackish water; fresh water fish which like brackish water; marine fish which swim upstream to spawn (anadromous); fresh water fish which swim to the ocean to spawn (catadromous); fish which like to swim in the region of the salt front and fish that will go wherever there is food.”

3. **Aquatic Life:** An abundance of estuarine life has been catalogued in the Peekskill region of the Hudson River. There are at least 70 species of phytoplankton, fourteen species of attached plants, 133 species of invertebrates (lower animals including mussels and zooplankton protozoa and shrimp), and 46 species of fish.

According to the 1974 study, there are ten important fish species in the Peekskill region of the Hudson River. They are as follows:

- a. Shortnose Sturgeon (endangered species) - Although the Shortnose Sturgeon does not have a specific habitat location in Peekskill, its presence in this section of the Hudson is not uncommon.
- b. Atlantic Sturgeon (protected species) - The Atlantic Sturgeon were once a major component of the Hudson River commercial fishery. However, declining population indices resulted in closure of the sport and commercial fishery in 1997. The Atlantic sturgeon, as a juvenile, has become uncommon in the estuary, certainly less common than the shortnose. Immature sturgeon overwinter in deeper sections of the lower Hudson River, including the area in the vicinity of Peekskill. As an adult, the Atlantic sturgeon is anadromous, migrating from the sea to spawn. There are some data to suggest that in high-flow "wet springs," Atlantic sturgeon may spawn in the vicinity of Peekskill Bay at the very least. Peekskill Bay is recognized as a major conduit for the Atlantic sturgeon springtime spawning run to upriver freshwater areas.

- c. Striped Bass - The Striped Bass spawns as far north as Greene and Columbia Counties and is the most important sport fish of the river. Adult Striped Bass swim upstream from the lower Hudson and Mid-Atlantic and deposit eggs in the swift moving currents of the center channel in slightly brackish or fresh water and then return to the sea. This generally occurs in the areas between Iona Island, just north of Peekskill and Kingston. Most of the eggs are deposited between Newburgh and Kingston. The eggs are semi-buoyant (demersal) and move with the aid of the River current; early larvae float downstream to the salt front. The older larvae show a preference for salt-water conditions. Hudson River striped bass seem to have no set schedule for recruitment to coastal stocks. Some leave as young-of-the-year. Many out-migrate as yearlings and most have left, at least temporarily, by their second summer. Also, a 2-3 year-old striped bass weighs from one to two pounds at best. In late summer and fall, through most of October, Peekskill Bay provides a conduit for young-of-the-year striped bass heading down river to higher salinities. The Atomic Energy Commission, in its Environmental Impact Statement on the Indian Point Nuclear Energy Plant estimates that eighty-five percent of the young fish feed in Haverstraw Bay and the Tappan Zee, while fifteen percent feed from Peekskill Bay north.
  
- d. American Shad - The American Shad is the only other important commercial species in the Hudson. The American Shad, like Atlantic sturgeon, are anadromous, migrating from the sea to spawn. Peekskill Bay is a major conduit for the springtime American shad-spawning run to upriver freshwater areas. The shad spawn up to the Troy Dam, young-of-the-year American shad feed throughout the entire reach of tidewater, including Peekskill Bay in late summer.
  
- e. Bay Anchovy - The Bay Anchovy spawns down stream and then moves upstream to a nursery area in Haverstraw Bay. The bay anchovy is a common summer resident of the Peekskill Bay, particularly in "dry" low-flow summers with elevated salinity.
  
- f. Atlantic Tomcod - Adult Atlantic tomcod are relatively common in Peekskill Bay from late November through March. Atlantic tomcod are anadromous, migrating from the sea to spawn. Peekskill Bay is a conduit for their late-fall and winter spawning run to upriver freshwater areas. Young-of-the-year and

juvenile Atlantic tomcod are present in Peekskill Bay throughout the year. Tomcod have an atypical life history in that some never leave the estuary, remaining to spawn as one-year olds.

- g. Hogchoker - The hogchoker is found throughout the entire estuary from the New York Bight to the federal dam of Troy. They are a common resident species, particularly from March through November, of Peekskill Bay.
- h. White Perch - The White Perch is a permanent resident of the Hudson River. The fish has little commercial value, but is caught as a sports fish. White Perch could be consumed if the PCBs are removed from Hudson River and when the species become PCB free. It prefers bottom and shoal waters and is very common in Peekskill Bay.
- i. Alewife - The Alewife is anadromous and a springtime spawner. In late March and early April, adult alewives migrate upriver from the sea, through Peekskill Bay, enter Annsville Creek and ascend Annsville, Peekskill Hollow, and Sprout brooks to spawn. All three brooks have, to varying degrees, a spawning population. The Annsville Creek Complex appears to host a significant annual spawning effort by these river herring. All adults have left by early June. In late summer and fall, through most of October, Peekskill Bay provides a conduit for young-of-the-year alewives heading to the sea.
- j. Blueback Herring - The Blueback Herring is anadromous and a springtime spawner. In April, adult blueback herring migrate upriver from the sea, through Peekskill Bay, to upriver freshwater tributaries and the Mohawk River to spawn. There is little if any evidence that blueback herring enter Annsville Creek except as accidentals. There is no evidence of spawning in Annsville Creek. In late summer and fall, through all of October to early November, Peekskill Bay provides a conduit for young-of-the-year blueback herring to the sea.

There are also three common invertebrates in the Peekskill Region.

- a. Blue Crab - The Blue Crab, that for unknown reasons varies in abundance from year to year, has been very common in Peekskill Bay.
- b. Barnacles - Barnacles that attach to any hard surface are fairly common.
- c. Polycheate Worms - Polycheate Worms are commonly found in the silt-clay substrate of Peekskill Bay.

Because of their sensitivity to pollution and siltation invertebrates are much less common in the Hudson River today than they were in the past.

In recent years there has been an increased presence of wintering Bald Eagles in Peekskill Bay from Fleischmann's to Roa Hook (river miles 43-44). In the case of a hard winter freeze, eagles will perch on the ice barely a hundred yards offshore of Riverfront Green. Wintering Bald Eagles use Peekskill Bay as a foraging and feeding ground. As a federally protected species, their presence must be considered in terms of their alert distance of 250 meters, their flight distance of 125 meters, and any onshore activities.

Harbor seals are marine mammals, while unpredictable in their presence, are nevertheless occasional visitors to Peekskill Bay and possibly Annsville Creek. The most recent occurrence was of an adult harbor seal hauled out on an ice floe in Peekskill Bay in February 2001 among six Bald Eagles. At the very least, Peekskill Bay provides a conduit for these federally protected marine mammals in their travels from the Atlantic and the lower brackish reach of the Hudson to upriver freshwater areas.

## **B. Surrounding Habitats of Statewide Significance**

Three habitats adjacent or proximate to the waterfront area have been designated by the State as Significant Coastal Fish and Wildlife Habitats. They are as follows:

### **1. Haverstraw Bay:**

Habitat Description: Haverstraw Bay extends approximately six miles on the Hudson River, from Stony Point to Croton Point, in the Towns of Stony Point, Haverstraw, and Clarkstown, in Rockland County, and the Town of Cortlandt, in

Westchester County (7.5' Quadrangle: Haverstraw, NY; NOAA Chart No. F, 12343).

The fish and wildlife habitat encompasses the entire river over this approximate six-mile reach, which is the widest section of the Hudson estuary. Haverstraw Bay has extensive shallow areas (less than 15 feet deep at mean low water) that deepen to a navigation channel that is dredged to maintain a depth of about 35 feet) in the western half of the area. During much of the year, this area is the place where freshwater from the upper river mixes with salt water from the Atlantic, producing predominantly brackish water habitats, with salinities that vary according to many factors, among which are inshore/offshore, freshwater flow, time of tide, and most importantly, the depth where measurement is taken. In Haverstraw Bay, channel bottoms can have salinities as high as 12-15 parts per thousand (ppt) in mid-winter and late-summer and early-fall. The land area surrounding Haverstraw Bay supports a variety of land uses, including industrial, commercial, residential, and recreational developments, although much undeveloped forestland also remains.

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

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

Although the location of the salinities vary or change in a much narrower scope than "annual" or "seasonal", significant changes can be daily, even hourly. Frequent changes of 10%-50% can occur depending upon strength of tide or weather phenomenon. This is a very dynamic aspect of the lower brackish reach of the Hudson. Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, American shad, white perch, tomcod, and Atlantic sturgeon that are produced in the Hudson River. Other anadromous species, such as

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

Haverstraw Bay is also a major nursery and feeding area for certain marine species, most notably bay anchovy, Atlantic menhaden, and Atlantic blue crab. Depending on location of the salt front, a majority of the spawning and wintering populations of Atlantic Sturgeon in the Hudson may reside in Haverstraw Bay. Shortnose sturgeons usually winter in this area, as well. Significant numbers of waterfowl do occur in Haverstraw Bay during spring (March-April) and winter (September to January) migrations. In addition to migratory waterfowl, passing through to points south, there is a significant population of wintering waterfowl that spend the winter in Haverstraw Bay and Peekskill Bay, e.g., Bufflehead, Ruddy Ducks, Common Mergansers, Ring-necked Ducks, Black Ducks, Mallards, and Canada Geese.

Haverstraw Bay is a critical habitat for most estuarine dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and foraging fish species. Young-of-the-year bluefish and weakfish are two species of marine spawners that use the Haverstraw Bay complex for a feeding and nursery area. Consequently, commercial and recreational fisheries throughout the North Atlantic depend on, or benefit from, these biological inputs from the Hudson River estuary.

## **2. Hudson River Mile 44-56:**

**Habitat Description:** Hudson River Mile 44-56 extends roughly from Cornwall Bay to Peekskill Bay, in the Towns of Cornwall and Highlands, Orange County; Stony Point, Rockland County; Philipstown, Putnam County; and Cortlandt, Westchester County (7.5' Quadrangles: West Point, NY; and Peekskill, NY). The fish and wildlife habitat encompasses all of the main river channels below mean low water over an approximate twelve-mile reach. This area is a very narrow and deep (up to 200 feet deep) section of the Hudson River, with strong currents and a rocky bottom substrate.

During spring and early summer, surface salinity in the area is almost always less than one part per thousand, i.e., essentially freshwater. In late summer and fall, the salinity can reach 2.0-6.0 ppt. In some years, salt-indicators such as bay barnacles

are common in this reach of the river. During the summer and fall, however, salt intrusion often extends upstream beyond River Mile 56. The land area bordering Hudson River Mile 44-56 is predominantly steep, rocky hillsides, with a variety of land uses, including undeveloped forest land (e.g., Storm King, Bear Mountain, and Hudson Highlands State Parks), small urban centers, and the West Point Military Reservation. In addition, railroad tracks closely follow the shoreline on both sides of River Mile 44-56. The habitat also includes most of Iona Island, which is part of the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education).

**Fish and Wildlife Values:** Hudson River Mile 44-56 is one of several relatively long reaches of the river channel that are very deep and narrow, with strong currents and rocky substrates. It is the most extensive area of this habitat type in the Hudson River, and contains the majority of deepwater (and greatest maximum depth) in the entire Hudson estuary.

River flows in this segment of the Hudson River are considerably larger than in upstream narrow areas, because of the additional input of three major tributaries (Wappinger, Fishkill, and Moodna Creeks). This area is also significant because it is the southernmost extent of essentially freshwater in the Hudson River estuary during fish spawning periods.

The combination of rocky substrates, swift currents, and freshwater (during spring runoff), over this large area provides highly favorable conditions for reproduction by anadromous fishes, especially striped bass. Deep turbulent areas appear to be primary spawning habitat for striped bass, and according to both historical and recent data, River Mile 44-56 is the most important spawning area for this species in the Hudson River. In recognition of this, much of the area has restrictions on the operation of gillnets to protect the spawning population. Generally, these two species enter the area to spawn in May and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the brackish portion of the Hudson River. Although the commercial fishery for striped bass in the Hudson River was closed in 1985 due to high contaminant polychlorinated biphenyls (PCBs) levels, River Mile 44-56 contributes significantly to commercial and recreational fisheries throughout this migratory range.

Striped bass stock discrimination studies conducted in coastal New York and southern New England indicate that approximately 15-20% percent of striped bass harvested in these fisheries were of Hudson River origin, the remainder primarily originating from the Chesapeake Bay system. With the documented poor Chesapeake production from 1983-1985, it is anticipated that the relative contribution of the Hudson stock to the coastal migratory striped bass population will continue to rise above 50 percent. Deepwater areas such as Hudson River Mile 44-56 are also used by concentrations of species that spawn elsewhere in the Hudson River estuary. Deep areas are used as migrational routes by Atlantic sturgeon and shortnose sturgeon, and may be important nursery areas for these species. As the salt front moves up through this area, a variety of marine species, such as bluefish, anchovy, Atlantic silverside, hogchoker, and Atlantic blue crab may also enter the area. The concentrations of anadromous and marine fishes occurring in Hudson River Mile 44-56 attract significant recreational fishing pressure within the area, attracting visitors from throughout the lower Hudson Valley.

The fisheries in Hudson River Mile 44-56 attract a significant concentration of wintering Bald Eagles. Apparently, upswellings along the river shoreline bring fish concentrations near the surface, and because this area rarely freezes, it provides a dependable prey base for these birds. The concentration of food fish that attract wintering Bald Eagles come primarily from the thermal shock and impingement and entrainment effects of the power plants at Bowline, Lovett, and Indian Point. Bald Eagles have been reported in this area since at least 1981. In recent winters (1999-2001) as many as fifty (50) Bald Eagles have been counted at one time out on the ice and in the air in Peekskill Bay. Winter residence in the area generally extends from December through March. These birds feed throughout River Mile 44-56, and Iona Island is a primary roosting area. The Palisades Interstate Park Commission has designated Iona Island as an eagle sanctuary. Other roosting areas include undisturbed woodlands along both sides of the river, especially near sheltered coves. Fish species commonly taken by the wintering eagles include gizzard shad, striped bass, white catfish, and white perch. Goldfish, brown bullheads, and sunfish are freshwater species that are rarely taken by wintering eagles in the Peekskill Bay reach. Currently, gizzard shad are the most common forage species, followed by white catfish, striped bass, white perch, and occasionally American eels.

### 3. Iona Island Marsh

**Habitat Description:** Iona Island Marsh is located between Iona Island and the west shore of the Hudson River, approximately three miles northwest of the City of Peekskill, in the Town of Stony Point, Rockland County (7.5' Quadrangle: Peekskill, NY). The fish and wildlife habitat is an approximate 270-acre tidal, freshwater to brackish, wetland, dominated by narrow-leaved cattail. Non-vegetated tidal flats, sub tidal aquatic beds, and rocky uplands also occur in the area. Tidal creek channels meander through the marsh, but account for a very limited amount of open water.

Iona Island Marsh receives freshwater inflows from Doodletown Brook, a small, high gradient, stream. Parts of Iona Marsh are locally known as Salisbury Meadow, Ring Meadow, and Snake Hole Creek. The marsh is hydrologically connected to the Hudson River through openings in the railroad at each end of Iona Island.

The land area surrounding Iona Island Marsh is steep, rocky, undeveloped, forest land, subject to limited human disturbance. Principal habitat disturbances in the area are limited to traffic on Route 9W and the Conrail railroad (that parallel the western and eastern boundaries of the area, respectively), and recreational activities on Iona Island, including use of a man-made causeway for access to the island. This causeway bisects the marsh, but culvert pipes that run under the road accommodate the flow of tidal water. Iona Island Marsh is located within Bear Mountain State Park, and is owned by the Palisades Interstate Park Commission (PIPC).

**Fish and Wildlife Values:** Iona Island Marsh is one of the largest, undeveloped, tidal wetlands on the Hudson River. Tidal marshes and flats such as those found in Iona Island Marsh are between the most valuable fish and wildlife habitats in the Hudson Valley. The ecological importance of Iona Island Marsh has been recognized in several formal designations: it is one of four sites comprising the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education); and, it is registered as a National Natural Landmark with the U.S. Department of the Interior.

Iona Island Marsh is a highly productive wetland, with minimal human disturbance, providing favorable habitats for a variety of fish and wildlife species. The marsh is especially important for marsh-nesting birds; probable or confirmed breeding species include green-backed heron, least bittern, Canada goose, mallard, wood duck, Virginia rail, sora, common moorhen, spotted sandpiper, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Concentrations of herons, waterfowl, osprey, and shorebirds also occur in Iona Island Marsh during spring (March-April) and fall (September-November) migrations but the extent of use has not been documented. Other resident wildlife species in the area include muskrat, mink, snapping turtle, northern water snake, and green frog.

Shallow bay areas and creek channels in Iona Marsh provide spawning and nursery habitats for a variety of anadromous and resident freshwater fishes. Species found in the area include alewife, blueback herring, white perch, striped bass, banded killifish, and mummichog. In addition to fish and wildlife values, the rocky islands bisected by the causeway contain fragile strands of walking fern and prickly pear cactus, two unusual plant species in New York.

The diversity and abundance of wildlife species in Iona Island Marsh are unusual in the lower Hudson River. In 1947, the PIPC designated the marsh a Bird Sanctuary. Opportunities for bird watching, along with recreational fishing, and informal nature study, attract a substantial number of Rockland County residents to the area. More important, however, is that designation of Iona Marsh, as an Estuarine Research Reserve, encouraging research and education activities in the Hudson Valley in this Hudson River area.

In addition to the locally significant habitats and surrounding habitats of statewide significance, there are two locally significant habitats outside of the waterfront area. These are Anthony's Nose and Bald Mountain.

Activities in the coastal area that may affect fish and wildlife include, but are not limited to, the following:

1. **Draining Wetlands, Ponds:** Causes changes in vegetation, or changes in groundwater and surface water hydrology.

2. **Filling Wetlands, Shallow Areas of Streams, Lakes, Bays, Estuaries:** May change physical character of a substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
3. **Grading Land:** Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.
4. **Clear Cutting:** May cause loss of vegetative cover, increase fluctuations in the amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
5. **Dredging or Excavation:** May cause change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
6. **Dredge spoil disposal:** May induce shoaling of littoral areas, or change circulation patterns.
7. **Physical alteration of shore areas through channelization or construction of shore structure:** May change volume and rate of flow or increase scouring, sedimentation.
8. **Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills:** May cause increased mortality or sub-lethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

(See Policies 2, 5, 8, 8A, 9, 12, 17, 19, 20, 25, 28, 30, 33, 34, 35, 36, 37, 39, 40, and 44)

**POLICY 8      PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO - ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSES SIGNIFICANT SUBLETHAL 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 [Section 27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes as defined by NYS DEC can be found in 6 NYCRR Part 371. The handling (storage, transport, treatment and disposal) of the materials included on the hazardous waste list (NYCRR Part 366) is 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 bioaccumulation 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 waste but controlled through other State laws. The City will use zoning and land use controls to avoid the siting of industrial or manufacturing facilities within the LWRP area that could introduce hazardous wastes into the environment.

(See Policies 5, 30, 33, 34, 35, 36, 37, 39, 40)

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

**Explanation of Policy**

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting as well as non-consumptive uses such as wildlife photography, bird watching and nature study. Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and that takes into consideration other activities dependent on these resources. Also, such efforts must be completed in accordance with existing state law and in keeping with sound resource management

considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

In order to expand and improve recreational fishing facilities, efforts will be made to expand the existing marinas, make physical improvements to existing docks and piers, and provide additional locations for recreational fishing where feasible and as land becomes available.

The New York State Department of Environmental Conservation (NYSDEC) is primarily responsible for managing the State's fish and wildlife resources. All efforts to supplement existing stocks in the vicinity of Riverfront Green and Annsville Creek and the enforcement of a fish and wildlife resource management program will be encouraged.

The following guidelines shall be used to determine whether or not a proposed action is consistent with this policy.

1. Consideration shall be made as to whether an action will harm existing or future utilization of the surrounding recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be subtler than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area. The effect of increased access shall be evaluated on a case-by-case basis.
3. Public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) shall be implemented in accord with existing State Law.
4. Public or private sector initiatives to improve the Hudson River ecological habitat in an effort to enhance the resource population shall be implemented.

(See Policies 1, 2, 19, 19A, 20, 21, 22)

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

**ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES, INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS, MAINTAINING ADEQUATE STOCKS, AND EXPANDING AQUACULTURE FACILITIES.**

**Explanation of Policy**

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

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

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

4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

Policy 10 is applicable; an American shad and herring fishery exist. Protection of Hudson River tributary streams within the LWRP is important to maintain various fish populations.

## **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 City of Peekskill participates in the National Flood Insurance Program in conjunction with the Federal Emergency Management Agency and has developed a Flood Damage Prevention program designed to promote the public health, safety and welfare and to minimize public and private losses due to flooding. This program applies to all flood hazard areas as delineated by the Federal Emergency Management Agency Flood Insurance Rate Map. In April 2000, the City of Peekskill enacted Chapter 170 of the City Code, a local Flood Damage Prevention Law to regulate potential development in the designated flood plain. This Law is presented in Appendix A-9.

Residential, industrial and commercial development within flood hazard areas are restricted by the City of Peekskill. Piers, docks and other structures necessary to gain access to the water are permitted. However, construction to minimize damage from flooding is required. Existing, non-conforming structures located in flood hazard areas may be only minimally enlarged.

There are no coastal erosion hazard areas or coastal high hazard areas designated under Environmental Conservation Law, Article 34 within the City of Peekskill. Residential, industrial and commercial development within locally designated erosion hazard areas is restricted by the City of Peekskill through the Flood Damage Prevention Program and the Flood Damage Prevention Law, referenced above. Piers, docks and other structures necessary to gain access to the water are permitted, however, construction to minimize damage from erosion is required.

On coastal lands identified as erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable

prudent alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function. As noted above, no erosion hazard areas are designated with the City of Peekskill.

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

**Explanation of Policy**

Except for some bluffs in the Northern Planning Area, natural protective features such as beaches, dunes and barrier islands do not exist in the City of Peekskill. Although offshore flooding and erosion are not a problem at this time, excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize the shoreline's fragile nature and protective values may lead to the weakening or destruction of the City's existing landform and will be prohibited. Activities or development in, or in proximity to, natural protective features must ensure that any such adverse effects will be minimized.

The existing shoreline in Peekskill, especially the bluffs in the Northern Planning Area located north and west of the Bear Mountain Extension, shall be protected. Excavation, grading and major landform changes will not be permitted and where appropriate, development will not be permitted to occur within 50 feet of said bluffs.

(See Policies 11, 17)

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

### **Explanation of Policy**

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

(See Policies 12, 16).

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

### **Explanation of Policy**

Erosion and flooding are processes that occur naturally. However, man, by his actions, can increase the severity and adverse effects of these processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks that block the littoral transport of sediment to adjacent shore lands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shore lands; and the placing of structures in identified flood ways so that the base flood level is increased causing damage in otherwise hazard-free areas.

All development proposed within the LWRP area must receive site plan approval as per Section 300-54B of the Zoning Ordinance of the City of Peekskill. Site Plan review will monitor developments to ensure that actions will not be taken that may result in the damage to or loss of property and endangerment of human lives. All new developments will be required to implement erosion control plans and adhere to the Best Management Practices set forth in Policy 37.

(See Policies 1, 2, 11, 12, 16)

**POLICY 15     MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND**

**ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

**Explanation of Policy**

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in near-shore or offshore waters that change the supply and net flow of such materials can deprive shore lands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shore lands.

Any dredging, mining, or excavation activities proposed under this program will be implemented in a manner that is consistent with State and Federal Permit Programs and the City's Soil and Excavation Ordinance and in a manner that does not increase shoreline erosion.

Excavation, removal of materials from, filling up, draining, cleaning, operating and using any land, whether for commercial or noncommercial purposes shall not be conducted in a manner which:

1. Creates hazardous or dangerous conditions by creating pits, holes or hollows in the earth, by creating or leaving unprotected banks or ledges of exposed earth or by permitting or creating conditions which cause the collection of water.
2. Impairs the usefulness of the property involved or use any surrounding properties, fails to take into consideration the relation of residential and commercial areas and the contouring of land with relation to remaining portions of the land affected by neighboring areas, and tends to reduce the value of the property in question or other property in the City.
3. Causes soil erosion that depletes the land of vegetative cover and supply of organic material and results or tends to result in the washing of the soil, erosion or interference with normal drainage.
4. Diverts or causes water to collect on the property of others, interferes with or overloads any existing or planned drainage facilities of the City, causes unnatural runoff or results

in the collection of pools of water, with the possibility of health and safety hazards or the lowering of value of the property affected.

5. Interferes with surface drainage, endangers any street, road, highway or municipal facility or interferes with support or drainage of adjoining properties.
6. Causes soil erosion, drainage problems or creates problems or creates disturbance of land in conflict with established zoning ordinances and/or local laws.
7. Causes substantial traffic hazards, vibrations, noise, dust or sand.
8. Alters the natural topography of land or changes the established character of the neighborhood or depresses the value of lands in the neighborhood.
9. Results in operations that are more objectionable to nearby properties by reason of noise, fumes, vibration or lights, than would be permitted by right under the current City of Peekskill Zoning Ordinance requirements.

(See Policy 35)

**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 investments in development and for new developments that require a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognized the adverse impacts of such

activities on the rate of erosion and on natural protective features. It requires careful analysis of benefits and long-term cost prior to expending public funds.

**POLICY 17   WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION.  SUCH NON STRUCTURAL MEASURES SHALL INCLUDE: (I) THE SET BACK OF BUILDINGS AND STRUCTURES OUTSIDE THE FLOOD HAZARD AREA; (II) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING; (III) THE RESHAPING OF BLUFFS; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

**Explanation of Policy**

Flood problems in the City of Peekskill are largely due to storm water runoff and not offshore flooding.

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

Within erosion hazard areas identified under Chapter 170 of the Code of the City of Peekskill, and subject to the permit requirements on all regulated activities and site development established under that Law, (a) the use of minimum setbacks; and (b) the strengthening of coastal land forms by the planting of appropriate vegetation on bluffs, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for erosion and to permit the planting of appropriate vegetation on bluffs, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for erosion and to permit the planting of stabilizing vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the land forms.

Within identified flood hazard areas, (a) whenever possible, the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) flood proofing of buildings or their elevations above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To determine whether or not an

action is consistent with the policy, it must be determined if any one, or a combination of, non-structural measures would appropriately protect both the character and purpose of the activity or development, and eliminate or reduce hazards. 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 on the use of the property, structural solutions will be required in a manner that is consistent with Policies 11 and 14. Nevertheless, the potential adverse impacts of flooding and erosion on development and on natural protective features within the coastal areas, as well as the costs of protection against those hazards which structural measures entail is recognized.

(See Policies 1, 2, 11, 12, 14, 16)

### **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 that the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage and recreation. Review of all projects under the SEQR process will allow a weighing of the costs and benefits of such actions.

Any major action that may take place within Peekskill's LWRP area will be carefully monitored to ensure the protection of valuable resources. New development should be consistent with LWRP policies, site plan and development requirements.

## **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 IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.
- POLICY 19A** IMPROVE PEDESTRIAN AND VEHICULAR ACCESS TO RIVERFRONT GREEN, PEEKSKILL LANDING, THE PEEKSKILL YACHT CLUB AREA AND WATERBOURNE AND PEDESTRIAN ACCESS TO THE ANNSVILLE CREEK AREA AS APPROPRIATE. ALSO, IMPROVE CENTRAL AVENUE AS A LINK BETWEEN THE WATERFRONT AND THE CENTRAL BUSINESS DISTRICT.
- POLICY 19B** NEW STRUCTURES SHALL NOT DECREASE PUBLIC ACCESS TO THE WATER. NEW STRUCTURES SHALL NOT INFRINGE UPON EXISTING PUBLIC ACCESS POINTS LEADING TO THE WATER IN A MANNER THAT WILL DECREASE PUBLIC AWARENESS OF SAID ACCESS POINTS.
- POLICY 19C** DUE TO ITS TOPOGRAPHY, WHICH PROVIDES SWEEPING AND UNIQUE VIEWS OF PEEKSKILL BAY AND THE HUDSON HIGHLANDS, PUBLIC ACCESS ACROSS THE ST. JOSEPH'S LANDFORM WOULD BE A DESIRABLE EXTENSION OF THE CITY'S GREENWAY TRAIL SYSTEM.
- POLICY 19D** EFFORTS TO INCREASE PUBLIC ACCESS WILL BE CAREFULLY CONSIDERED DURING SITE PLAN REVIEW AND SPECIAL USE PERMIT REVIEW FOR ALL PROPERTIES IN THE COASTAL ZONE. THESE EFFORTS SHALL INCLUDE BUT NOT BE LIMITED TO, THE PROVISION OF TRAILS AND EASEMENTS FOR FUTURE ACCESS CONNECTING TO EXISTING AND FUTURE COMPONENTS IN THE CITY'S TRAIL SYSTEM.

## **Explanation of Policy**

This policy calls for a balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Priority will be given to improving physical access to existing and potential recreation sites, such as in the Riverfront Green; the Peekskill Landing Site, the site jointly owned by The Scenic Hudson Land Trust, Inc. (SHLT) and the City; the Peekskill Yacht Club property; if the Missionary Sisters sell their property (St. Joseph's) for redevelopment, a trail should be constructed across their property to connect to the Peekskill Train Station and Waterfront Trails; the former Hudson Valley Yacht Club site in Charles Point, and if economically and physically feasible, to the Annsville Creek Area, and to increasing the ability of residents and visitors to get to recreation areas by developing boardwalks or trails for hiking, and to connect activity centers along the water's edge by making transportation improvements.

In addition, because of the greater competition for waterfront locations within urban areas, the Local Waterfront Revitalization Program encourages mixed-use areas and multiple uses of facilities to improve access to the water and provide water-related recreation opportunities. Specific sites requiring access improvements and the relative priority the program accords to each will be identified in the Public Access Planning Process.

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

1. The existing access from public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
  - a. The level of access to be provided should be in accord with estimated public use.

- b. The level of access to be provided shall not cause a degree of use that would exceed the physical capability of the resource or facility.
3. State, Federal and Local Agencies, through their actions, will not permit reductions in existing levels of public access. Reductions of existing levels may include, but would not be limited to the following:
- a. A significantly reduced number of parking spaces at a public water-related recreation resource or facility.
  - b. A significantly reduced service level or increase in fares for public transportation to a public water-related recreation resource or facility, especially during peak season use if such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
  - c. Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
  - d. Construction of private or institutional buildings near such an access point that render the site inaccessible on a psychological level.
  - e. New construction resulting in the development of structures or objects that would block public access sites from view or would make public access psychologically uninviting. Examples include the construction of towers or structures sited within 50 feet of a public access entry point or pathway to the water.

(See Policies 1B, 1C, 2, 9, 20, 21, 22)

**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 water fronting land within the LWRP area should be provided for activities that require a minimal amount of facilities for their enjoyment. Examples of activities requiring access would include walking along the waterfront, the enjoyment of scenic resources, bicycling, bird watching, photography, nature study, and fishing. Such publicly-owned foreshore lands are located at: The Peekskill Yacht Club; Riverfront Green, the site jointly owned by the The Scenic Hudson Land Trust (SHLT) and the City, along the Annsville Creek, at a City-owned site abutting and north of the RESCO site, and at the RESCO site itself.

For these activities, there are several methods of providing access. These include: the development of a waterfront trails system; the provision of access across railway and highway facilities to the waterfront; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

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

The following guidelines as well as those described in Policy #19 will be used in determining the consistency of a proposed action with this policy.

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

adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.

When waterfront land becomes available for possible public use, the City will work with property owners to achieve public access to the water through acquisition, easements, lease or other mutually acceptable solution.

(See Policies 2, 9, 19, 21, 22)

### **RECREATION POLICIES**

**POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL 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 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 that are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

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. Every effort should also be made to accommodate public access across marina properties.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. Priority shall be given to recreational development of such lands, including the vacant parcels along Annsville Creek and at the RESCO site in Charles Point. (See Policy 19)

The siting and design of new public development in a manner which would result in a barrier to the recreational use of a major portion of the City's shore will be prohibited, except for water dependent public uses, that should be designed to allow public access to the shoreline where practicable. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump-out facilities.

Because of existing water and sewer service conditions in the Annsville Creek Area any proposed plans must be carefully considered. If found to be feasible, new development or activities located along Annsville Creek should not be intensive. Bicycling, hiking, walking, the launching of model boats and wind surfing, and other forms of passive recreation would be preferable. If active or intensive recreational activities were to be located in the Annsville Creek, area costly additions to the existing water and sewer system would need to be installed. A new pump station and larger capacity lines would be necessary to support toilet facilities.

(See Policies 1, 2, 4, 9, 19, 20, 22)

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

## **Explanation of Policy**

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, particularly at Riverfront Green and adjacent areas, Charles Point and Annsville Creek at the Sewage Treatment plant, they should, to the fullest extent practicable, provide for some form of water-related recreation.

Although there are limited opportunities for most of these cases, the types of development that can generally provide water-related recreation as a multiple use in the City of Peekskill include but are not limited to:

- Hotels,
- restaurants,
- marinas
- parks,
- highways,
- utility transmission rights of way,
- sewage treatment and waste management facilities,
- nature preserves <sup>7</sup>,
- office buildings, and
- specialized industries.

New developments and/or the rehabilitation or expansion of existing developments located along the waterfront, especially in the Central and Northern Planning areas, will be encouraged to provide public access such as fishing access, walkways and bike paths to and along the shore, unless such access would be considered unsafe. Whenever a proposed development would be consistent with the LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore.

(See Policies 1, 19, 20)

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<sup>7</sup> The types of recreational uses to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.

## HISTORIC AND SCENIC RESOURCES POLICIES

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

#### **Explanation of Policy**

Among the most valuable man-made resources are those structures or areas that are of historic, archaeological, 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 also 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 City of Peekskill's historic and scenic policies include recognition of the existence of potential submerged resources and their related economic benefits these resources can provide to the local economy as heritage tourism and sport diving attractions.

At present, the Standard House (located at 50 Hudson Avenue) is the only structure in the waterfront area listed on the National Register of Historic Places. The National Register Application for the Lincoln Train Station will be resubmitted when the City acquires the property.

The following structures located throughout the City are also listed in the National Register:

- the Beecher Estate (locally known as the Highland Avenue condominiums), located at 3 Beecher Lane;
- the United States Postal Service Building, located at 738 South Street;
- the Drum Hill School, located at 90-91 Ringgold Street, and
- Villa Loretta (locally known as Villa at the Woods) located at 1701 Crompond Road.

In 1986, The Peekskill Department of Planning and Development and the Historic Preservation Advisory Board (HPAB) conducted a citywide inventory of additional structures that could be of potential historic interest. The inventory includes sixteen structures and a park within the LWRP area that were considered to be of potential historic interest at the following addresses:

- 618 South Street
- 1036 Lower South Street - Pond House (Lent House)
- 419 Lower Main Street
- 660 Main Street (Depew Homestead)
- 110 Bay Street
- Corner of South and Bay Streets
- 636 Main Street
- 813 Main Street
- 829 Main Street
- 833 Main Street
- St. Mary's (Water Building)
- St. Mary's (Laundry Building)
- 104-106 Spring Street
- North Water Street
- Fort Hill Park
- The Lincoln Exedra
- Former St. Joseph's School / Orphanage

A list of additional structures within the waterfront area identified as part a Cultural Resource Reconnaissance Survey Report performed in 2002 are included in Appendix A-12.

New York State Historic Preservation Officer (SHPO) has also determined that Fort Hill is eligible for inclusion in the National Register of Historic Places and recommended further study of this site.

The City has conducted this study and the report was completed in 2001. Fort Hill, a City park is also recognized as a historic City resource. The City has recently adopted a new Local Law that provides the framework for establishing historic districts. The City is in the process of updating the downtown portion of the City's Cultural Resource Survey to determine which buildings are currently potentially available for landmark protection on either the State Historic Register and/or the National Register of Historic Places. The City of Peekskill is a Certified Local Government (CLG) and the boundaries for the downtown historic district are currently being determined.

Two of the indicated resources, the Pond House and the Lincoln Exedra, have been determined to be local landmarks. These resources will be protected to prevent significant adverse changes. At the present time, the Pond House is located in the midst of an industrial area. The property has been given to the City and the house will eventually be restored and refurbished in place. After consulting with officials from SHPO, it would be preferable not to move the structure. The City of Peekskill does not own the land on which the Pond House is situated, however, and the current owner has stipulated that the structure be moved in an agreement with the City.

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

1. Alteration of or addition to one or more of the architectural, structural ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and "The Standards for the Treatment of Historic Properties" shall be followed. The City of Peekskill Historic and Landmarks Preservation Board will also establish new local standards after the first Historic District is set up. These standards should be implemented in 2001.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective or preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. In historic districts, this would

include infrastructure improvements or changes, such as, street and sidewalk paving, street furniture and lighting.

This policy shall not prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archeological resource that has been officially certified as being imminently dangerous to life or public health. The policy shall not prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource.

**POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE:**

- (I) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, VEGETATION, OR STRUCTURES, WHENEVER THEY ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND**
- (II) THE ADDITION OF STRUCTURES THAT BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE, SUCH AS THE HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE.**

**Explanation of Policy**

Although there are no scenic resources of statewide significance located within the City of Peekskill, the Hudson Highlands Scenic Area of Statewide Significance (SASS) is located adjacent to the City's shoreline. The City will take this into consideration when undertaking any waterfront actions that could potentially impact on this natural resource.

**POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF**

**STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE  
OVERALL SCENIC QUALITY OF THE COASTAL AREA.**

**Explanation of Policy**

Views and vistas in the City of Peekskill need to be protected, particularly with regard to the St. Mary's and St. Joseph's landforms. Views from inland areas to the Hudson River and Annsville Creek should not be blocked by new development. Impairment of resources that contribute to the overall scenic quality of Peekskill will be prevented.

Impairment shall include:

- (i) the irreversible modification of geologic forms, vegetation, or structures, whenever they are significant to the scenic quality of an identified resource; and
- (ii) the addition of structures that because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and facility-related guidelines will be used to achieve this policy and will supplement the detailed Design Guidelines for the Waterfront District that are included in the City's Zoning Ordinance. Recognizing that each development situation is unique, the guidelines will be applied accordingly. The guidelines include:

- siting structures and other development such as highways, power lines, wireless telecommunications facilities, cell towers or antennae and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- clustering or orienting structures to retain views, save open space and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings) into the overall development scheme;

- removing deteriorated and/or degrading elements;
- maintaining or restoring the original landform, except when changes screen unattractive elements and/or add appropriate interest;
- 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 removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
- using appropriate materials, in addition to vegetation, to screen unattractive elements;
- using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape;
- preserving existing landforms which give Peekskill its unique character; and
- removing vegetation (brush, undergrowth and weeds) at key points to improve visual access to the water.

Height, setback, and mass restrictions must be applied to new developments, particularly for structures sited on parcels abutting or visible from the water. The following guidelines shall be applied to protect existing views and vistas:

- a) Structures located on parcels abutting the water's edge must be set back at least 100 feet from the water, with the exception of structures that are intended to facilitate water dependent or water enhanced uses, such as marinas or restaurants and hotels where public access to the water is provided.
- b) Buildings enjoying a location on a water-abutting parcel must step down in mass and form so as not to appear monolithic or to create a visual barrier at the water's edge.

Wireless telecommunications facilities shall not be sited on ridgelines, or be visible in views to or from the Hudson River.

(See Policies 1, 4, 12, 18)

## **AGRICULTURAL LANDS POLICY**

**POLICY 26 TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY, OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.**

Policy 26 is not applicable. There are no significantly productive agricultural lands within Peekskill's LWRP area.

## **ENERGY AND ICE MANAGEMENT POLICIES**

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

**POLICY 27A DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR REGIONAL WATER DEPENDENT ENERGY FACILITIES IN THE PEEKSKILL COASTAL AREA MUST EVALUATE THE POTENTIAL CUMULATIVE IMPACTS ASSOCIATED WITH PRE-EXISTING FACILITIES SUCH AS INDIAN POINT NUCLEAR POWER PLANT LOCATED IN THE VILLAGE OF BUCHANAN, THE BOWLINE PLANT LOCATED IN THE TOWN OF HAVERSTRAW, AND THE LOVETT PLANT LOCATED IN THE TOWN OF STONY POINT.**

### **Explanation of Policy**

Demand for energy in New York State will continue to increase. 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. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law (PSL) require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used to ensure consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

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

When considering Peekskill as a potential site for major energy facilities, consideration must be given with regard to the cumulative impacts associated with existing facilities located in the Peekskill Bay area, (i.e. the Indian Point Nuclear Power Plant located in the Village of Buchanan, the Bowline Plant located in the Town of Haverstraw, and the Lovett Plant located in the Town of Stony Point, and the Westchester County Resource Recovery (RESCO) facility located in Peekskill). Consideration of another major energy facility in the City of Peekskill must evaluate the cumulative air and water quality impacts associated with the proposed facility in conjunction with all existing facilities located in this area. This topic must be included within the scope of any Environmental Impact Statements. The EIS must disclose specific information regarding the types and quantities of pollutants resulting from the proposed project in conjunction with emissions generated from the aforementioned existing facilities and other non-energy related facilities including but not limited to the Sprout Brook Landfill.

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

### **Explanation of Policy**

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

**POLICY 29    ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.**

Policy 29 is not applicable. This policy will not be included in the local LWRP because the outer continental shelf and Lake Erie energy activities occur outside of the City of Peekskill coastal areas.

### **WATER AND AIR RESOURCES POLICIES**

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

### **Explanation of Policy**

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

New developments within the waterfront area will be reviewed to ensure the adequacy of the existing water and sewer system to support them. Necessary improvements and expansions will be made in areas where the system is inadequate. Priority will be given to water and sewer projects that will eliminate or prevent the discharge of pollutants into the Hudson River and Annsville Creek.

State and National water quality standards are followed and enforced as necessary in the City of Peekskill. The municipal treatment plant located along Annsville Creek is monitored to avoid the discharge of pollutants. State standards and requirements for storm-water runoff will be met by all new developments. Such activities will also be controlled through the City of Peekskill's subdivision and site plan review procedures.

(See Policies 2, 5, 7, 8, 18, 21, 33, 34, 35, 36, 37, 38, 39, 40)

**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 revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies will be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement establishment by the State pursuant to the Federal Clean Water Act.

Currently, water quality classifications around Charles Point and at the mouth of Annsville Creek are I and SC respectively. All efforts will be made by applicable agencies to improve the water quality in these areas. Water quality improvements would allow for a greater variety of recreational activities, especially fishing and primary contact activities such as swimming and/or water skiing. Because recreational fishing is popular in Peekskill, especially in the Riverfront Green area, water quality improvements along the shoreline and around Charles Point and Annsville Creek will help promote reproduction and reduce possible health hazards caused by contaminated fish. An investigation into the reuse of the vacant property along Annsville Creek, west of the St. Mary's property, is proposed under this program. A publicly oriented use is preferred. If public

water-oriented usage is proposed, an upgraded water quality classification of SB would allow for a greater variety of recreational usage.

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

Policy 32 is not applicable. The Westchester County Sewage Treatment Plant is currently effective and has adequate capacity for current County needs. There have been ongoing discussions about its potential expansion.

**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 reducing pollution caused by the discharge of stormwater runoff and sewage overflows.

Priority will be given to sanitary and storm sewer improvements within the LWRP area if such improvements are necessary to reduce excessive stormwater runoff, eliminate the leakage or seepage of sewage into the environment and to eliminate the drainage of untreated discharge into Annsville Creek and the Hudson River. The expansion and improvement of existing drainage and sewer service facilities to accommodate new development and revitalization activities will be implemented pending the availability of funds. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

During the process of site plan review, all new developments are required to assure the adequacy of existing systems and/or describe the actions that will be taken to ensure the control of stormwater runoff and sewage.

(See Policies 2, 5, 7, 8, 30)

**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.**

**POLICY 34A PUMPOUT FACILITIES WILL BE REQUIRED IN ALL NEW OR EXPANDED MARINA DEVELOPMENT IN ORDER TO MINIMIZE OR ELIMINATE THE DISCHARGE INTO THE HUDSON RIVER, OF SEWAGE FROM THE GROWING BOAT POPULATION AT THE PEEKSKILL WATERFRONT.**

**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. Shellfish beds and other significant fish and wildlife habitats, beaches, and public water supply intakes need protection from contamination by vessel wastes. Specific effluent standards for marine toilets have been set by the Department of Environmental Conservation (6 NYCRR, Part 657). The City will follow these standards.

Pump-out stations will be required for all new or expanded marina development occurring within the Peekskill coastal zone, unless sufficient and convenient existing facilities are available.

Receptacles for garbage, rubbish and other solid and liquid materials will be required in waterfront recreation areas, especially around the yacht clubs, Riverfront Green, and at any other new recreational sites. These receptacles must be large enough to adequately support peak usage.

(See Policies 2, 5, 7, 8, 18, 30, 33, 35, 36, 37, 38, 39, 40)

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

**Explanation of Policy**

Dredging is often essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. These adverse effects can be minimized through careful designing and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (Local Waterfront Revitalization Program Policies 7, 15, 24, and 44). If dredging activities become necessary in connection with this program, all necessary standards set by NYS DEC and the US Army Corps of Engineers will be followed.

(See Policies 7, 15, 24, 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 Westchester County Sewage Treatment Plant (fuel and chemicals for sewage treatment), and in some of the 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. Any such marina shall provide for the proper handling of petroleum products and boat maintenance and repair wastes. Hazardous materials are defined in Policy 39.

The City prohibits a number of noxious and offensive uses, and requires all uses to adhere to performance standards relative to the emission of odor, dust, noise, smoke, gas, fumes or radiation which presents a hazard to public health or safety or which is otherwise inconsistent with the general goals of the City's industrial districts.

Clean up of discharges is the responsibility of the State and other applicable authorities. Restitution for damages would be the responsibility of the discharger or property owner. Local site plan review procedures will require all applicants developing non-residential uses to identify any hazardous materials associated with the proposed use and disclose information on use, storage, treatment and disposal. Disclosure during the Site Plan review process will alert the City to any potential difficulties and will assure that shipment, disposal and storage of hazardous wastes will be conducted in a conscientious manner.

(See Policies 30, 33, 34, 37, 39, 40)

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

**Explanation of Policy**

Important fish and wildlife habitats, beaches, and public water supply areas need protection from contamination by non-point discharge of excess nutrients, organics and eroded soils. Best management practices are available to reduce these sources of pollution include, but are not limited to, encouraging alternative and organic fertilization and pest control practices, soil erosion control practices, and surface drainage control techniques. The use of fertilizers and chemical pesticides will be discouraged in the waterfront area.

Guidelines regulating development or construction to be used in implementing this policy include the following:

1. Runoff or other non-point pollutant sources from any specific development must not be greater than would be the case under natural conditions. Appropriate techniques to minimize such effects shall include, but not be limited to, the use of stormwater detention basins, rooftop runoff disposal, rooftop detention, parking lot storage and cistern storage.

2. Natural ground contours should be followed as closely as possible and grading minimized.
3. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
5. Extreme care should be exercised to locate artificial drainage ways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
6. Natural, protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.
7. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
8. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
9. Ground cover should be installed to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
10. Runoff from a site should be collected and detained in sediment basins to trap pollutants that would otherwise be transported from the site.
11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume and runoff resulting from facilities constructed.
12. The angle for graded slopes and fills should be limited to an angle no greater than the area that can be retained by vegetative cover. Other erosion control devices or structures should be used where vegetation is not sufficient to control erosion.
13. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.
14. Opportunities to improve site conditions, wherever practicable, should be pursued in addition to necessary actions to minimize damage from erosion.

Site plan review procedures, and approval, and permit approval for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal and State environmental approvals where water quality is concerned.

(See Policies 30, 33, 34, 36, 39, 40)

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

**Explanation of Policy**

Water from the Wicopee Reservoir in the Town of Putnam Valley, Putnam County, New York, is the principal source of drinking water for the City of Peekskill and must be protected.

Protection of the surface water of the Hudson River for its recreation value must be considered in planning and decision-making. Impacts to be evaluated include those from construction activity, land use management, point and non-point pollution sources and direct action on waterways.

Site plan review procedures and approval, and permit approvals for new or expanded industrial, energy, transportation, or commercial facilities will require appropriate Federal and State environmental approvals where water quality is concerned.

(See Policies 30, 31, 33, 34, 36, 37, 39, 40)

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

## **Explanation of Policy**

The treatment and transport of hazardous and solid wastes are controlled primarily at the State level. In addition, at the City level, as outlined in §300-18 of the City Zoning Code, uses specifically not listed in the City Zoning Code as a permitted or a special permit use are prohibited. The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

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

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

The Westchester County Resource Recovery Plant (RESCO) located at Charles Point in Peekskill is a solid waste management facility as defined by this policy. The Westchester Resco Company has agreed to maintain the facility in good condition, including necessary repairs and replacements, consistent with solid waste handling, secondary materials recovery and energy production standards. The company has also agreed that it will maintain the safety of the facility at a level consistent with applicable law and good boiler and electrical generating plant practices. Furthermore, the Company will provide all necessary labor, materials and equipment for the proper operation and maintenance of the facility and will operate the facility in compliance with applicable federal, state and local laws and regulations.

Local site plan review procedures require nonresidential applicants to identify hazardous wastes and other solid wastes of unusual origin. Information as to the transport, storage, treatment and disposal of such wastes must be disclosed. The information disclosed during the City's Site Plan Review process will assure consistency with the LWRP policies and adequate environmentally conservative handling of wastes.

(See Policies 30, 36, 40)

**POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.**

**Explanation of Policy**

The State Board of Electric Generation Siting and the Environment considers a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters." The siting board, when evaluating an applicant's request to construct a new steam electric generating facility, will consider the effects of thermal discharges on water quality and aquatic organisms. All applicable activities within the City will abide by these standards and regulations.

Untreated effluent discharges from industrial facilities into coastal waters are not permitted within the City of Peekskill.

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

**Explanation of Policy**

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air

Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

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

**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 Local Waterfront Revitalization Program concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in waterfront areas 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 the Local Waterfront Revitalization Program.

**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 and Peekskill's Local Waterfront Revitalization Program incorporate the State's policies on acid rain into their program and they will assist in the State's efforts to control acid rain. Efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

The State-enforced Air Pollution Control Program covers this policy. Necessary State and Federal approvals concerning acid rain and the generation of nitrates and sulfates will be required where applicable. The disclosure of sulfate and nitrate generating activities is required, if applicable, during the City's Site Plan Review process.

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

**Explanation of Policy**

Currently, no regulated tidal wetlands are located within the City of Peekskill . Based on NYS DEC analyses, regulations may be developed over the next several years. In the meantime, wetlands along the City's Hudson River and Annsville Creek shorelines are subject to regulation under the NYS DEC's Article 15 (Stream Disturbance) regulations. As identified by the Department of Environmental Conservation, there are two Critical Environmental Areas (CEAs) designated within the City of Peekskill. These areas are the Hudson River and the Peekskill Hollow Brook, which is the source of the City of Peekskill's drinking water.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the N.Y.S. Freshwater Wetlands Act and the N.Y.S. Protection of Waters Act.

Freshwater wetlands within or adjacent to the Peekskill waterfront area include Wetland P-4, a Class I wetland that is wholly or partially included in the Camp Smith Marsh and Annsville Creek significant tidal habitat, and Wetland P-5 which is a Class II wetland located in the southern portion of the Charles Point Industrial Park on the inland side of Broadway from Lents Cove.

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

- habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;

- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

Wetland restoration shall be undertaken, where practical, in accordance with a plan that adheres to the objectives of the State Freshwater Wetland Law and is reviewed by the NYS Department of Environmental Conservation. The plan should consider the following:

1. enhancements to water circulation and selective deepening of existing wetland areas to favor indigenous plant species (e.g. cattails rather than purple loosestrife);
2. excavation of gravelly upland areas surrounding wetlands to create new, shallow, open water areas that could serve as habitat for appropriate plant and animal species.

New roads and walkways that 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 release deleterious materials and substances.

Areas adjacent to wetlands shall be designed so as to:

1. Maximize previous land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands;
2. Direct runoff away from adjacent waters and wetlands, to the extent feasible, by site grading or other methods; and
3. 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.

(See Policies 7, 24)

**SECTION IV**

**PROPOSED LAND AND WATER USES**



A. **Land Use**

The land use plan for the part of the City of Peekskill within the coastal zone is based upon the policies of the LWRP. The LWRP is comprised of the City's 1967 Land Use Plan, the supplement adopted by the Planning Commission in 1981, and the supplement pertaining to the Waterfront District, which was adopted in 1990. (See Appendix - A-7)

**1. Southern Planning Area**

Within the Southern Planning Area, proposed uses for the Charles Point area include light industrial and commercial uses. Mixed-use development of light industrial and commercial uses with water related recreational uses are proposed for water-abutting parcels in this area. For the Lower South Street area, heavier general manufacturing uses are proposed within the guidelines established in the Waterfront District Plan for the Lower South Street Area. (See Appendix - A-7) A conceptual plan for Lower South Street was prepared as part of the Conceptual Plan for the Lower South Street Area, and is shown on Figure 7. As shown on the conceptual plan, the alignment of Lower South Street would be modified slightly.

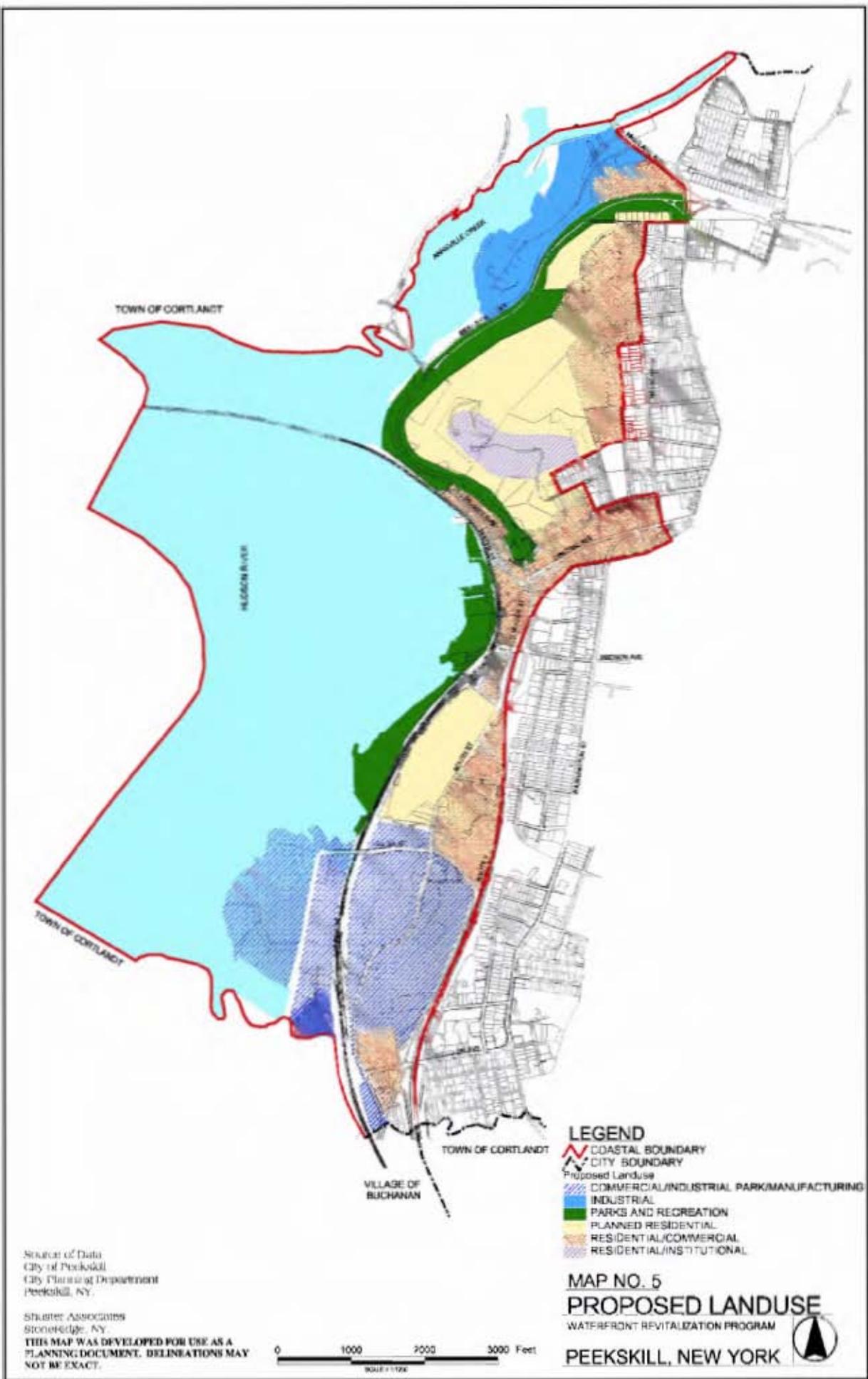
The area around Welcher Avenue is at the southern end of the Southern Planning Area and this Waterfront Area will continue as a small hamlet that includes a diner, a gas station, a small pocket of low-density residential homes and a small neighborhood shopping center.

There are significant areas of vacant and underutilized land on parcels fronting on South Street between Louisa Street and Welcher Avenue. This portion of South Street is the secondary access to the Charles Point Industrial area. The property along South Street is affected by development on Charles Point because much of the traffic to and from the industrial park utilizes South Street. To the first time visitor, part of the initial impression of Peekskill and Charles Point is and will be formed by the appearance of and development along South Street. For this reason, the City enacted an M-2A Zoning District for this area which includes extensive design guidelines.

The land along Louisa Street west of Lower South Street is a direct extension of Charles Point. The City of Peekskill controls the two parcels north of Louisa Street. These parcels, classified as Planned Commercial Development, will be included in the marketing, promotion and planning for subsequent phases of the Charles Point Industrial Park.

## **2. Central Planning Area**

This area currently consists of a major institutional use (St. Joseph's); a mix of commercial uses along Central Avenue; Riverfront Green on the waterside of the railroad tracks; and industrial uses in the northern portion of the area in the vicinity of Water Street.



Map 5 Proposed Land Use



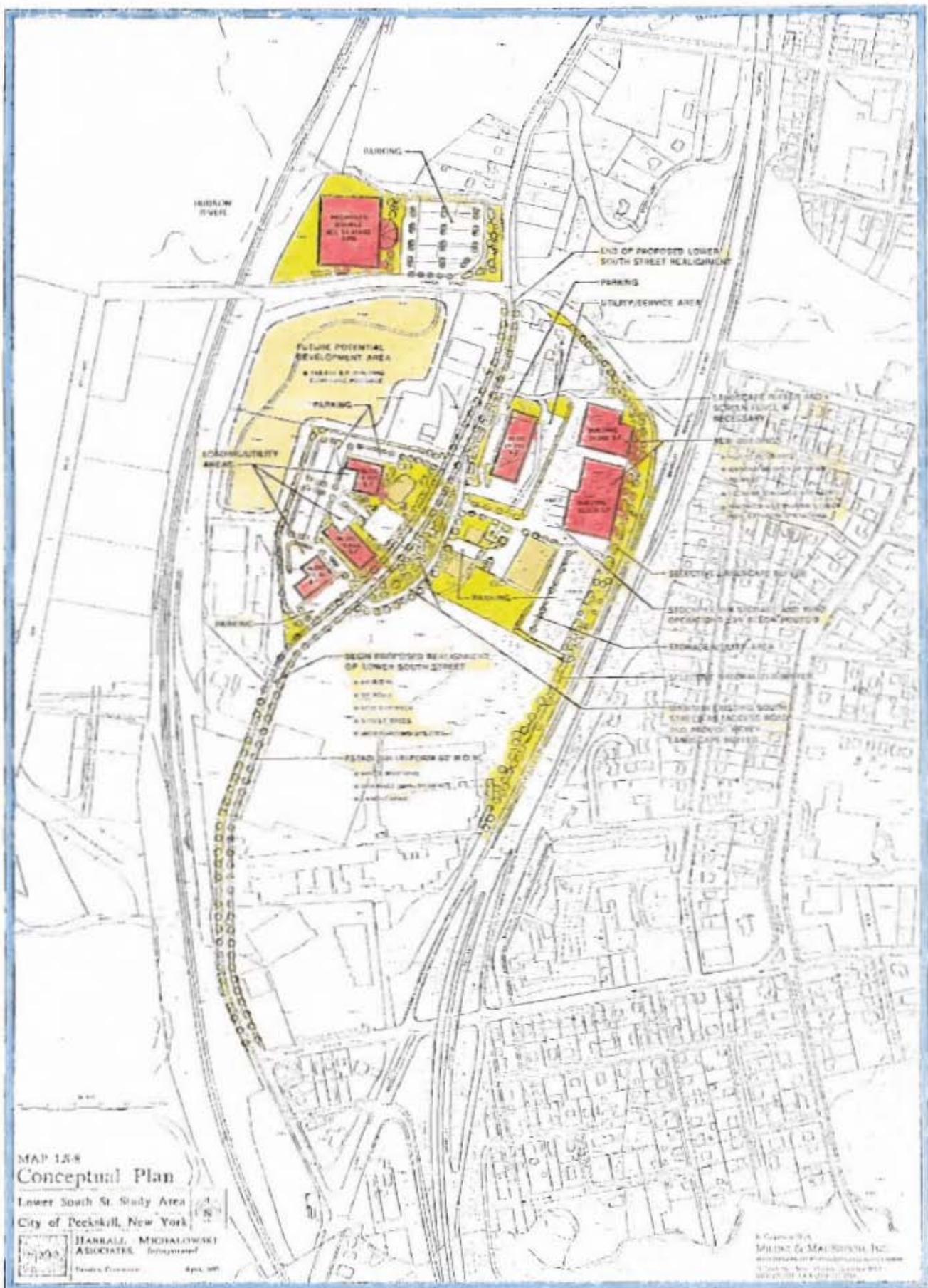


Figure 1 South Street Study



In 1987, the City initiated long-term planning for waterfront redevelopment in this area. In 1988, the City obtained the services of Sasaki Associates, Inc. who performed the necessary land-use analysis prerequisite to preparing a comprehensive land-use plan for the waterfront district. In April 1990, the City adopted the recommended zoning ordinance amendments to implement the plan. Many of the existing public access parcels such as the Peekskill Yacht Club and the Riverfront Green are a direct result of the implementation of the plan.

The proposed uses include Planned Residential Development of the St. Joseph's property and the Public Use designation at Riverfront Green. The land on the waterside of the railroad tracks north of Riverfront Green includes the Peekskill Landing Project described in Section B below.

The existing mixed use area which extends north from the St. Joseph's property to include North and South Water Street and east to include Central Avenue shall be promoted for commercial, residential and public interest uses or as a waterfront mixed use area. These uses should serve to connect the central business district / downtown business improvement district (CBD) (BID) with the waterfront, enhance the area's existing physical conditions, and promote revitalization in the entire LWRP area.

### **3. Northern Planning Area**

The parcels along Main Street at its intersection with US Route 9 will remain as general commercial uses. These parcels are the sites of Peekskill Motor Inn and Lindroos Apartments both of which are considered highway commercial establishments. The Sisters of St. Mary's property could be utilized for Planned Residential Development in addition to its current institutional uses.

The 20-acre vacant area to the west of the Sisters of St. Mary's site and US Route 9 is not developed. The current owner, the Developer and the City are working with a not-for-profit land trust to preserve the 20-acre vacant site as open space or passive recreation.

### **4. Annsville Creek Planning Area**

As stated in the Inventory and Analysis, the Annsville Creek Planning Area has two distinct sub-areas. The eastern portion, which includes the Westchester County Sewage Disposal Plant and some light industrial uses, shall remain zoned for these uses. However, conservation

easements shall be required for the portions of parcels that touch Annsville Creek. Where feasible and practicable, any planning actions to occur within this development will be required to provide public access, possibly in the form of a linear trail running parallel to the creek. In addition, a permanent easement from Old Pemart Street to the public lands at Annsville Creek will be pursued as will access rights from Westchester County at the sewage treatment plant.

The western portion of the Annsville Creek Planning Area will remain as publicly owned open space. A trail or roadway to facilitate public access to the Creek is planned for this area.

**B. Proposed Public and Private Projects**

**1. Southern Planning Area -**

Implementation of the improvement program set forth in the Concept Plan for the Lower South Street Area (See Map LS-8) will be pursued as funding permits. The pier at Charles Point will be upgraded to serve excursion vessels, if feasible.

**2. Central Planning Area -**

**a. Physical Improvements to Riverfront Green**

Physical improvements to Riverfront Green would include the provision of improved parking facilities; improvement to the existing boat launching facility (completed); the clean up and continual maintenance of the water's edge and shore; the provision of necessary park-related fixtures such as benches, tables and trash receptacles; landscaping improvements; and the expansion, restoration or replacement of existing recreational facilities and/or the provision of new recreational facilities needed for both active and passive water-related and/or water-enhanced recreation.

**b. Improvements to the St. Joseph's Land Parcels**

Portions of the St. Joseph's property are presently vacant and underutilized. These parcels are suitable for residential and mixed-use development. In the case of parcels abutting the shoreline, appropriate site development proposals will provide for public access where practicable and feasible.

**c. Flood Control along Central Avenue and Riverfront Green**

Some flood control improvements were completed by the City for the upper portion of Central Avenue in 1996. However, a further engineering study may be needed to examine the problems related to flooding along the lower portion of Central Avenue that occurred during Hurricane Floyd. This study will determine potential flood control methods and to develop a plan to reduce, if not eliminate, the problems related to flooding and excessive storm water run off.

**d. Restore Pond House (Lent House)**

The Pond House (also known as the Lent House) is one of Peekskill's earliest structures. At the present time, the Pond House is located on a vacant, privately owned industrial property in an M-2 Industrial District. The building will require either restoration efforts at its present location or, alternatively, an innovative plan to relocate the structure without damaging the structure. After a great deal of analysis, the City has decided to move The Pond House to another waterfront location since the house is currently located on private property and the owner of the property has given the Pond House (Lent House) to the City with the stipulation that it be moved. The City has consulted with a number of historic preservation & restoration experts who assure the City that relocating and refurbishing The Pond House at another site is feasible.

**e. Improve Public Access to the Water**

The City will seek to improve public access to Riverfront Green and the Peekskill Yacht Club. As part of the overall redevelopment plan, vehicular access will be developed and/or improved. Public access to the waterfront area will be achieved by improving parking on the east side of the railroad tracks by facilitating the construction of a parking structure on Railroad Avenue to replace surface parking lots, and though the investigation of the use of pedestrian bridges in the district. As previously discussed in the LWRP, a long-term City goal has been to provide, as a minimum, pedestrian access to the waterfront through the St. Josephs' site and across the railroad tracks.

**f. Conduct a Harbor Management Plan**

Peekskill Bay and the City of Peekskill Waterfront are integral parts of the City's past and future, identifying the City, physically, aesthetically, and economically. The issues associated with the City of Peekskill's Waterfront are diverse and complex. As part of the LWRP, the City will conduct a Harbor Management Plan in order to assess water uses, public access, identify issues and problems and the methods to resolve these issues and problems.

**g. Implement Peekskill Waterfront Redevelopment Plan Objectives**

The City of Peekskill Common Council formally adopted the Peekskill Waterfront Redevelopment Plan in 1990 after SEQRA review. Two major elements of this plan are the following:

**Peekskill Landing:** The proposed Peekskill Landing project proposes a Maritime Center and Outdoor Education Center on Peekskill's Hudson Riverfront that will build upon the historic site at the mouth of McGregory Brook. This property (both upland areas and lands under water) was acquired by Scenic Hudson at a cost of \$2.1 million. After its environmental cleanup and other site improvements, to be funded by grants received by the City, it will be sold to the City of Peekskill in 2013 for one (\$1) dollar. This property will be protected for public uses by a conservation easement.

McGregory Brook was the watercourse around which the original Village of Peekskill developed during the time of the American Revolution. The mills along its banks, among other things, prompted the British to burn the village twice during 1777. The waterfront contiguous to the site evolved as the hub for the various shipbuilding, maritime and industrial activities that were the basis of the local economy until the early twentieth century.

The other key component along the brook is the historic Peekskill Freight Station that was the site of President Lincoln's only "whistle stop" in Westchester County on his way to his first inauguration. That stop was no accident, as Peekskill in 1861 was a hotbed of "radical Republicanism" that enthusiastically supported the President. This building when renovated would serve as a multi-functional visitor's center and a location for maps interpreting the City's history.

About a quarter mile south of the mouth of the brook is the only active dock remaining on the riverfront that has served the historic vessel, "Commander," a Peekskill Ferry that has operated on special occasions and occasional visiting tour boats. The improvement of the dock is a strategic asset in any future development of the waterfront. Among other reasons, it is the City's inter-modal link with the Peekskill Railroad Station. The dock's ability to accept vessels is seriously degraded by a narrow and shallow access channel from the river.

In keeping with the history of boat building on the Peekskill waterfront, Peekskill Landing would be a site for the construction of historic ships. The boat building activity would be housed within a museum building that would also contain the National Maritime Historical Society, along with a related maritime museum and industrial, environmental and historical maps. These maps will highlight the newly discovered significance of Peekskill in the Revolutionary War.

Travis Point: Although plans have not been developed to the same level of detail as those for Peekskill Landing, Travis Point is appropriate for a mixture of public access and mixed use, water-related commercial and residential development.

The Waterfront Redevelopment plan also calls for the "consolidation of transportation services," through the provision of a central parking facility. Such facility will enable existing surface parking lots, which currently are a blighting influence, to be freed for the development of uses which are intended to attract a mixture of water dependent, water enhanced, commercial and appropriate residential uses, as well as tourists to the Peekskill waterfront. An integral component to the fulfillment of this plan is the construction of a public parking facility on Railroad Avenue.

### **3. Northern Planning Area -**

#### **a. Investigate potential and make appropriate physical improvements to the vacant area west of the St. Mary's Property.**

The City received a Greenway grant for design services for a segment of the City's waterfront trail system for this area. The City has also applied for a grant to construct a fishing pier on Annsville Creek.

**b. Improve Public Access to the Water**

An increase in public access to the water will be made relative to the intensity of the development of the vacant land area along Annsville Creek. The Peekskill Waterfront Redevelopment Plan recommends that a road be constructed in this area with a signal allowing two-way traffic in one lane, leading to a picnic area and dock for launching model boats or other water-dependent recreational uses. Feasible vehicular and pedestrian access and/or waterborne access will be developed in accordance with the Peekskill Waterfront Redevelopment Plan and LWRP.

**4. Annsville Creek Planning Area -**

**a. Expand treatment capacity at the Sewage Plant as necessary/ Provide Public Access**

Currently there are plans to expand both the physical plant and the capacity of the Westchester County Sewage Treatment Plant. The City will suggest that a condition for any improvements and/or expansions to this facility include the provision of shoreline public access to Annsville Creek and adequate buffering of the site with appropriate landscaping.

**b. Water Quality Improvements**

This activity will become necessary if the public recreational usage of the vacant City-owned open space along Annsville Creek is intensified through the development of water-related recreational usage, such as a fishing pier.

**C. Waterfront Trail Development**

A report detailing the current status of the Waterfront Trail is provided in Appendix A-6. The City of Peekskill has adopted a goal of providing an interconnected shoreline trail from the southernmost section of the City of Peekskill at Lent's Cove by Charles Point along the entire shoreline within the City's boundaries on the Hudson River and Annsville Creek. This shoreline trail would provide full public access to all sections of the City's waterfront lands, making them available for pedestrian enjoyment and potentially for bicycle use. Spurs from this trail system will connect into the Village of Buchanan at the southernmost end and into the Town of Cortlandt to access future Camp Smith recreational opportunities via a trail connecting to and over the Jan Peek (Annsville Creek) Bridge. The City's waterfront trail will

also provide spurs connecting into downtown Peekskill along Central Avenue and via Highland Avenue and Pemart Avenue to connect into Fort Hill Park. Public access to the waterfront via a trail across the railroad tracks and onto the St. Joseph's property envisioned in the "Waterfront Redevelopment Plan" prepared by Sasaki Associates.

The rail station, located almost at the center point of this trail system, will be a featured component with an information kiosk detailing tours and trails on the shoreline and events in the downtown area. This will provide a starting point for people coming from New York City and from other points via the Metro-North railway and other means of public transportation. The interconnected trail system will take advantage of points of interest that provide for future features such as a permanently moored historic ship at Charles Point Pier, a potential floating restaurant at the former Tallix center dock and a boat building facility. There will also be a linkage to the Historic Lincoln Train Station that will provide additional parking spaces for area visitors.

The trail is being developed in segments. The segmented approach was used because of different funding sources and to take advantage of other planned improvements to facilitate the trail as those improvements could be coordinated with other entities. In the future, trail markers, signage particular to the trails where they connect with City streets, and the development of brochures would be part of this overall project. It is the City's goal to have the trail system completed in segments as funding becomes available and to work with organizations such as Scenic Hudson and the Greenway Conservancy, as well as County officials, to publicize the trail system as the last portion of the physical improvements is completed.

#### **D. Zoning Actions**

While the Waterfront District (WF) promotes water-related activities, other existing districts do not promote water-related activities. New zoning districts that enhance those areas within the Coastal Boundary but outside of the Waterfront Zoning Districts need to be established. A new zoning district designation in the Charles Point portion of the Southern Planning area, which reflects the unique opportunity for light manufacturing and commercial uses in harmony with recreational uses, also needs to be developed. In addition, the zoning language for the manufacturing districts in the Annsville Creek Planning Area needs to incorporate the provisions and standards for public access and passive water-related recreation in this area. Specific revisions are described in more detail in Section V herein.



**SECTION V**

**TECHNIQUES FOR LOCAL IMPLEMENTATION  
OF THE PROGRAM**



**A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP**

1. Existing Laws and Regulations

- a. Environmental Quality Review-Chapter 153 of the Code of the City of Peekskill. See Appendix A.

(1) This Chapter of the City Code implements the State Environmental Quality Review Act (SEQRA). It establishes procedures necessary to assure full review of environmental impacts of proposed projects, actions, improvements and developments within the City of Peekskill.

(2) This Ordinance pertains to the majority of the policies included in the Local Waterfront Revitalization Program (LWRP), especially those dealing with development issues and the protection of important man-made and natural resources.

- b. Freshwater Wetlands - Chapter 176 of the Code of the City of Peekskill. See Appendix A.

(1) This Chapter of the City Code implements the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law) as it pertains to the City of Peekskill. The Ordinance gives the City the right to undertake and exercise its regulatory authority with regard to activities in freshwater wetlands subject to regulation under the Act.

(2) This Ordinance deals most closely with Policy 44, preservation of wetlands.

- c. Sanitary Sewer Code - Chapter 250 of the Code of the City of Peekskill. See Appendix A.

(1) This Ordinance provides for the proper design, construction, maintenance, operation, use and regulation of all main sewers, house connection sewers, trunk sewers, sewer connections, interceptors and related special structures.

(2) The Sanitary Sewer Code relates most closely with the policies concerning protection and conservation of water resources, more specifically Policies 30,

33, 38, 39 and 40 as well as Policy 8 which deals with the protection of fish and wildlife resources from hazardous wastes and other pollutants.

d. Soil Removal and Excavations - Chapter 261 of the Code of the City of Peekskill. See Appendix A.

- (1) This Ordinance provides for the proper use of land and regulates and/or prohibits excavation, removal of materials, filling, draining, cleaning, operating and using any land in a manner which: creates hazardous or dangerous conditions; creates or leaves unprotected banks or ledges of exposed earth; permits or creates conditions which cause the collection of water; impairs the usefulness or value of the subject property or any surrounding properties; causes soil erosion which depletes the land of vegetative cover and other organic materials; results in the washing of soil, erosion or the interference of normal drainage; and/or interferes with or overloads any existing or planned drainage facilities of the City.
- (2) This Ordinance relates most closely with LWRP Policy 12, on protection of natural features and Policy 15, on excavation in coastal waters. Both Policies concern protection against or minimizing potential erosion and flood hazards.

e. Streams and Watercourses - Chapter 267 of the Code of the City of Peekskill. See Appendix A.

- (1) This Ordinance regulates and provides for the protection of streams and watercourses within the City of Peekskill by requiring that any person, firm or corporation obtain a permit from the Common Council before filling or diverting any streams or watercourses, except where authorized by a State or Federal agency. The ordinance gives the Common Council the authority to deny, at its discretion, any permit if it determines that a proposed filling or diversion is detrimental to local drainage or to the general welfare of the City.
- (2) This Ordinance deals with a number of LWRP Policies. The Policies most closely associated with this Ordinance are: Policies 15, mining, excavation or dredging in coastal waters as they relate to natural, coastal processes and erosion; Policy 35, dealing with dredging and dredge spoil disposal and the protection of natural and man-made resources; Policy 37, dealing with

minimizing the discharge of excess nutrients, organics and eroded soils into coastal waters; and Policy 44, the protection of wetlands. The Ordinance also helps to implement Policies 18 and 25, safeguarding vital economic, social and environmental interests and protecting natural and man-made resources.

f. Subdivision of Land - Chapter 278 of the Code of the City of Peekskill. See Appendix A.

(1) This Ordinance ensures the orderly growth and development of the City; the conservation, protection and proper use of land; the provision of adequate housing, recreation, circulation, utility, and service facilities; and safeguards the City from unnecessary expenditures for the maintenance of streets, utilities and public space by regulating the layout, design, and development of subdivisions.

(2) This Ordinance relates most directly to the development and redevelopment Policies and Policies concerning development in areas where the infrastructure is adequate, i.e., Policies 1, 2, and 5 of the LWRP.

g. Riverfront Green - Chapter 241 of the Code of the City of Peekskill. See Appendix A.

(1). This Ordinance regulates the use of the City of Peekskill Riverfront Green. It outlines prohibited activities; penalties for offenses; permit requirements and restrictions; and use requirements.

(2) This Ordinance relates most directly to those Policies concerning recreation and public access; especially Policy 19, protecting, maintaining and increasing the levels and types of access to public water-related recreation resources and facilities; Policy 20, providing access to the publicly owned foreshore; and Policy 21, encouraging and facilitating water-dependent and water-enhanced recreation.

- h. **Parks - Chapter 224 of the Code of the City of Peekskill. See Appendix A.**

  - (1) This Ordinance regulates all activities within and uses of, all parks, reservations, playgrounds, recreation centers and/or all other areas owned or used by the City for active or passive recreation. The Ordinance includes listings of prohibited uses and activities such as loitering, camping or lodging in undesignated areas and the drinking of alcoholic beverages; and regulates activities such as bathing or swimming, boating, games and picnics, meetings and performances. The Ordinance also includes regulations that protect property, fish and wildlife, and prohibit and monitor pollution and litter.
  - (2) This Ordinance deals most closely with the LWRP Policies relating to public access, recreation, and the protection of fish and wildlife. More specifically, Policies 19, 20 and 21, dealing with the protection, maintenance and expansion of recreation resources and the levels and types of access to them, and Policies 7, 8 and 9 concerning the protection of fish and wildlife resources from the introduction of hazardous wastes and other pollutants, and the expansion of recreational usage of fish and wildlife resources, respectively are addressed by this Ordinance.
  
- i. **Littering - Chapter 197 of the Code of the City of Peekskill. See Appendix A.**

  - (1) This Ordinance was designed to prohibit the throwing or depositing of litter in any park, public place, fountain, and body of water or vacant lot.
  - (2) This section of the Municipal Code is most closely associated with the LWRP Policy 8, the protection of fish and wildlife resources from the introduction of hazardous wastes and other pollutants; Policy 34, the limitation of the discharge of waste materials from vessels so as to protect fish and wildlife habitats, recreational areas and water supply areas; and Policy 38, the conservation and protection of surface water and groundwater supplies.
  
- j. **Solid Waste Disposal Ordinance - Chapter 264 of the Code of the City of Peekskill. See Appendix A.**

  - (1) The purpose of this Ordinance is to provide for the disposal of all solid waste in compliance with Federal and State standards, and for the control of air,

water and ground pollution through participation in the Plan for Solid Waste Management in Westchester County, New York.

- (2) This Ordinance is most applicable to fish and wildlife protection Policies 7 and 8; Policy 25, the protection of natural and man-made resources; Policy 30, which ensures that municipal, industrial and commercial discharge of pollutants into coastal waters conform to State and Federal water quality standards; Policy 34, the limitation of waste material discharge from vessels into coastal waters; Policy 36, concerning the shipment of petroleum and other hazardous materials; Policy 38, the conservation and protection of surface water and groundwater supplies; and Policy 39, concerning the transport, storage, treatment and disposal of solid wastes.
- k. Flood Damage Prevention Program - Chapter 170 of the Code of the City of Peekskill. See Appendix A.
- (1) This Chapter of the City Code includes provisions designed to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. It includes methods and provisions for restricting or prohibiting uses which are dangerous due to water or erosion hazards or which result in damaging increases in erosion, in flood heights or velocities; requiring that uses vulnerable to floods be protected at the time of initial construction; controlling the alteration of natural floodplain, stream channels and natural protective barriers; controlling filling, grading, dredging and other activities which may increase flood damage; and preventing and/or regulating the construction of flood barriers which will unnaturally divert floodwater or increase flood hazards.
  - (2) This Ordinance deals most closely with Policies 1 and 2 which relate to development and redevelopment activities in the waterfront area and Policies which relate to flood and erosion hazards and related protective features including: Policy 11, siting structures to minimize damage; Policy 12, protection of natural protective features; Policy 14, preventing increases in flooding; Policy 15, control of alteration of coastal waters; and Policy 17, use of non-structural measures to minimize damage from flooding.

- (3) This Ordinance applies also to all flood hazard areas delineated on Federal Emergency Management Agency Flood Insurance Rate Map and includes methods and provisions for:
  - (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  - (b) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
  - (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
  - (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
  - (e) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
- (4) Any development within special flood hazard areas, as demarcated on the Federal Emergency Management Agency's Flood Insurance Rate Map, is required to be built in compliance with the City's Flood Damage Prevention Law.

1. Zoning Ordinance. See Appendix A.

The City of Peekskill's Zoning Ordinance regulates how land can be used, and at what intensity and under what conditions development can occur. This Ordinance deals most closely with Policies 1 and 2 that relate to development and redevelopment activities in the waterfront area. The Zoning Ordinance has been amended in recent years to Implement recommendations included in the Waterfront Redevelopment Plan (WF-1, WF-2 and WF-PRD) Districts and the conceptual plan for the lower South Street Area (M-2A District).

### WF-1 District

The WF-1 District is intended to provide for public access and easements to the shore. The only uses permitted as-of-right in this district are municipal parks. With special permits, a limited number of uses (marinas, enclosed structures for boats, transportation services, hotels, museums, annual membership clubs and restaurants) are enabled only where the conditions of the land warrant such activity. The Waterfront Redevelopment land use plan identified Travis Point as a location that would warrant commercial development, such as a hotel or restaurant on a City owned parcel. The Zoning Ordinance and the plan for this district mandates that increased public access to the shoreline be facilitated through the development of any new projects located in this area.

### WF-2 District

The WF-2 District is intended to provide dense mixed commercial and residential development in the Waterfront District. The intent of the sub-area is to continue historic development trends for inland parcels located in the waterfront district. The WF-2 District is traversed by Central Avenue, which leads to the Central Business District (CBD) of the City. Another goal of the plan and this district is to link the Central Business District to the waterfront through the development of underutilized parcels that exist on Central Avenue.

### WF-PRD District

The WF-PRD district is located on the grounds of the existing St. Joseph's property. The WF-PRD district has been designed to allow for multiple-family uses meeting specific design guidelines on this largely vacant site within the waterfront area.

### M-2A District

The M-2A District permits many of the same uses as the M-2 District but imposes additional performance standards regarding outdoor storage, height of structures, height of materials stored outside and screening of outdoor storage. In addition, a detailed set of design guidelines are included in the Ordinance to be used during review of the plans in the district.

- m. Building Construction - Chapter 125 of the Code of the City of Peekskill. See Appendix A.
    - (1) This Ordinance regulates development activities within the waterfront area. It establishes rules and regulations pertaining to the construction, alteration, removal, demolition, use, occupancy, maintenance and location of buildings and other structures.
    - (2) This Ordinance is most closely associated with Policies 1 and 2 that concern development and redevelopment within the LWRP area.
2. New or Revised City Laws and Regulations

- a. Revision to the City's Environmental Quality Review Act.

This Act will be revised to assure consistency of proposed actions with the LWRP's Policies and Plan. See Appendix A-1.

- b. Revisions to the Zoning Ordinance

Revisions to the Zoning Ordinance with regard to the LWRP include the revision of the Charles Point Industrial Park Area regulations to reflect existing trends toward mixed light industrial, commercial and water dependent recreational uses. Similar zoning revisions will be necessary for the Annsville Creek Industrial District. See Appendix A-2.

- (1) Charles Point

New zoning language for Charles Point Area should establish a concise set of desired permitted uses. A listing of permitted uses such as commercial, recreational-water related and light industrial should to be developed. Further, the language for this district should mandate that public access to the shore be incorporated into all plans for proposed projects, commensurate with the intensity of the action, and if practicable and feasible.

## (2) Annsville Creek

The manufacturing uses located at Annsville Creek need to have one consistent zoning designation. Again, a range of permitted uses needs to be established for this new district. The scope of permitted uses should be more intense than that which is permitted at Charles Point, yet less intense than that which will be permitted in the Lower South Street area. The area should encourage light manufacturing, office buildings, and wholesale storage and warehousing. Zoning should be developed that will mandate that public access be provided for parcels abutting Annsville Creek.

Copies of these proposed zoning revisions are included in Appendix A-2. The law includes a provision that a natural vegetation buffer will be added along water crosses as a mitigation measure and to afford greater protection of natural resources.

- c. Revisions to the local Site Plan Review Procedures should include the requirement of the disclosure or identification by the applicant of hazardous wastes or materials to be associated with the proposed occupancy and/or use of nonresidential properties. If such materials are to be present, then the applicant must present evidence that all necessary permits and approvals have been or are in the process of being obtained. The applicant must also demonstrate that the materials will be contained or managed in a conscientious manner. See Appendix A-3.
- d. Revisions to the local Site Plan Review Procedures will also require consistency and conformance with the Plans and Policies of the LWRP before a site plan is approved. See Appendix A-4.

Appropriate Federal and State environmental regulation for water quality will be required for new or expanded industrial, energy, transportation, or commercial facilities.

- e. Consistency Law:

This law will provide for the protection and appropriate usage of the man-made and natural resources within the City's Local Waterfront Revitalization Area by ensuring that actions proposed or approved by City agencies will be undertaken in

a manner consistent with the Policies and plans of the Local Waterfront Revitalization Program. See Appendix A-5.

**B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP**

1. Continued Marketing and Promotion of Charles Point Industrial Park.

Through this effort the City will encourage the development of water dependent and water-enhanced uses where consistent with City planning and economic development objectives.

2. Public Parcel Reuse Study.

This study is necessary to determine the re-use potential of the municipal sites located on the northern side of Louisa Street near Charles Point. Relocation of the existing uses will be necessary if the parcels are to be marketed for usage in connection with the Charles Point Industrial Park. This study will determine relocation alternatives for the existing municipal uses and investigate the most appropriate future usage of the sites.

3. Implement Waterfront Trail Development

The City of Peekskill will carry out all phases of the 18-segment plan to provide continuous access throughout the Waterfront area. See the trail information in Appendix A-6.

In addition, the City will investigate the potential for and make appropriate physical improvements to the vacant area west of the St. Mary's Property.

A planning and engineering study is needed to assess the feasibility of utilizing the City-owned vacant land area along Annsville Creek for intensive or more active recreational usage. This study should be conducted before any physical improvements are made.

4. Physical Improvements/Clean-up of South Street

A combined public and private effort is needed to clean up the existing blighting conditions along Lower South Street. Activities will include landscaping improvements, the clean up or screening of the scrap metal yards and general streetscape improvements. These activities are necessary because South Street is a major access to Charles Point Industrial Park. A visitor's first time impression of both the City of Peekskill and Charles Point is affected by the condition of this area that is highly visible from US Route 9.

Improvements made along Lower South Street will help to promote Charles Point, the LWRP area, and the City of Peekskill as a whole.

5. Marina Expansion - Peekskill Yacht Club

The expansion of the Peekskill Yacht Club would include the provision of more docking facilities, improved support facilities and adequate parking. This activity will serve to increase public access to the water.

6. Provide connection from the CBD (or BID) to the waterfront along Central Avenue (Landscaping/Facade Improvements)

This activity includes the recruitment of new infill development; physical improvements including maintenance of existing structures, facade treatment, and landscaping; the development of a pedestrian link or walkway and the conformity of new projects with the design guidelines set forth in the Peekskill Waterfront Redevelopment Plan.

7. Restore and/or Revitalize commercial, industrial and residential structures throughout the Central Planning Area.

Through this effort the City will seek funding and provide technical assistance to private property owners as an incentive to upgrade their property. As funding becomes available, the City will provide financial assistance or installation of public improvements such as sidewalk and street improvements, signage, landscaping and drainage to encourage private investment and property maintenance.

The City will provide public access if determined feasible to the vacant land area along Annsville Creek.

8. Implement Peekskill Landing Project

This project includes the following components:

- The acquisition and development of the lands adjoining the City's waterfront park property;
- The acquisition and restoration of the "Lincoln" Train Station Building by the City and/or Lincoln Society for use as an information center and museum or a special non-for-profit will be formed;
- Site work including the development of parking, shoreline stabilization, landscaping, wave attenuator to protect an area of the site which will be used for excursion boats as well as other, related site improvements.

C. MANAGEMENT STRUCTURES NECESSARY TO IMPLEMENT THE LWRP

1. Lead Agency and Responsible Local Official

The Lead Agency for the management and implementation of the LWRP will be the City's Common Council. The local official responsible for the overall management and coordination of the LWRP will be the Director of Planning and Development.

The Peekskill Department of Planning and Development will be responsible for carrying out the Plans, Provisions and Policies outlined in the LWRP document. Long-range planning and consistency review will be the major activities.

2. Specific Responsibilities for Implementation and Management

All City departments, offices and agencies will retain their present responsibilities for programs, projects and regulation. The Director of Planning and Development, with the assistance of the Planning Department Staff will review public and private proposals for

development activities or actions within the waterfront area and will approve or deny applications for proposed land use activities.

The Director of Planning and Development will also recommend legislation, facilitate funding efforts and coordinate the City's implementation efforts within the waterfront area.

The City of Peekskill Common Council has the authority to approve and fund, or secure funding for, specific improvements necessary to implement the LWRP.

3. Procedures to Assure that Local Actions Comply with the LWRP

Any agency, group or individual proposing a "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA) will be required to complete a Coastal Assessment Form (CAF) in addition to an Environmental Assessment Form (EAF). Staff of the Department of Planning and Development will review the CAF in light of the policies and sub-policies outlined in the LWRP. Actions that are deemed to be consistent with the LWRP will be recommended to the Planning Commission and/or Common Council or other responsible agency for approval and those that are inconsistent will be so indicated and recommended for disapproval unless:

- a. No reasonable alternatives exist that would avoid or overcome any substantial hindrance;
- b. The action will minimize all adverse effects on the Policies or purposes of the LWRP to the maximum extent practicable; and
- c. The action will result in an overriding public benefit.

The CAF will be distributed to all agencies and made part of or attached to regular applications for projects within the City.

Once the LWRP is adopted, each agency of the City, including the Common Council, will have a copy and will be instructed to refer all development, regulatory, review or investment actions to the staff of the Department of Planning and Development for review and comment.

Staff from the Department of Planning and Development will review any proposed actions for consistency with the LWRP and will respond within 30 days of receiving the request.

- d. Within 30 days following the receipt of a request for assistance, the Secretary of State 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 the City.
  - e. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
  - f. The State agency shall not proceed with the proposed action until either the Secretary's findings and recommendations have been received or, 90 days from the date a notification of a conflict was received from the City.
4. Procedures for Department of State and City of Peekskill Review of Federal Actions for Consistency with the LWRP.
- a. Permits and Licenses.
    - (1) The Department of State (DOS) will acknowledge the receipt of an applicant's consistency certification and application materials, and at that time forward a copy of the submitted documentation to the Department of Planning and Development (DPD).
    - (2) Within thirty (30) days of receiving such information, the DPD will contact the assigned DOS reviewer to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local Coastal Policies.
    - (3) When the DOS and the DPD agree that additional information is necessary, the DOS will request the applicant to provide the information. A copy of this information will be provided to the DPD upon receipt.

- (4) Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the DOS reviewer, whichever is later, the DPD will notify DOS of the reasons why a proposed action may be inconsistent or consistent with City Coastal Policies.
- (5) After that notification, the DPD will submit its written comments and recommendations on a proposed permit action to the 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 Department of Planning and Development has no opinion on the consistency of the proposed action with City's Coastal Policies.
- (6) If the DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the DPD on a proposed permit action, DOS will contact the DPD to discuss any differences of opinion prior to issuing its letter of "concurrence" or "objection" to the applicant.
- (7) A copy of DOS "concurrence" or "objection" letter to the applicant will be forwarded to the Department of Planning and Development.

b. 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 DPD and other interested parties.
- (2) This notification will state the date by which all comments and recommendations must be submitted to DOS and will identify the assigned DOS reviewer.
- (3) The review period will be about twenty-five (25) days. If comments and recommendations are not received by the end of the established review period, DOS will presume that the Peekskill DPD has "no opinion" on the consistency of the proposed direct Federal agency action with City's Coastal Policies.

- (4) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the DPD, DOS will contact the Department 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 the DOS "agreement" or "disagreement" letter to the Federal agency will be forwarded to the Peekskill DPD.

c. Financial Assistance.

- (1) DOS will request information on a proposed financial assistance action from the applicant (State or City agency) for consistency review purposes. A copy of this letter will be forwarded to Peekskill DPD and will serve as notification that the proposed action may be subject to review.
- (2) If the applicant is a City agency, the DPD will contact the agency and request copies of any application documentation for consistency review purposes.
- (3) The DPD will acknowledge receipt of the requested information and send a copy to the DOS.
- (4) If the applicant is a State Agency, DOS will request the agency to provide a copy of the application documentation to the DPD.
- (5) The DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the DPD.
- (6) The review period will conclude thirty (30) days after the date on the DPD's or DOS" letter of acknowledgement.
- (7) The DPD must submit its comments and recommendations on the proposed action to DOS within twenty (20) days from the start of the review period. If comments and recommendations are not received within that twenty-day period, DOS will presume that the DPD has "no opinion" on the consistency of the proposed financial assistance action with local Coastal Policies.

- (8) If the DOS does not fully concur with or has any questions on the comments and recommendations submitted by the DPD, the DOS will contact the applicant to discuss any differences of opinion prior to agreeing or disagreeing with the Federal agency's consistency determination on the proposed financial assistance.
  - (9) A copy of DOS' "no objection" or "objection" letter to the applicant will be forwarded to the DPD.
5. Guidelines for Notification and Review of State Agency Actions where Local Waterfront Revitalization Programs are in effect.
- a. Purpose of Guidelines
    - (1) The Waterfront Revitalization of Coastal Areas and inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRP). 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 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
    - (1) Action means:

- (a) A Type 1 or Unlisted action as defined by the State Environmental Quality Review Act (SERA);
  - (b) Occurring within the boundaries of an approved LWRP; and
  - (c) Being taken pursuant to a state agency program or activity which has been identified by the Secretary of Ste as likely to affect the policies and purposes of the LWRP.
- (2) Consistent to the maximum extent practicable means that an action will not substantially hinder that achievement of any of the policies and purpose 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, than the action must be one:
- (a) For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  - (b) That will minimize all adverse effects on the policies or purpose of the LWRP to the maximum extent practicable; and
  - (c) That will result in an overriding regional or statewide public benefit.
- (3) 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 as described in b. above, the state agency shall notify the affected local government.
  - (2) Notification of a proposed action by a state agency:

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

d. Local Government Review Procedure

- (1) Upon receipt of notification form a state agency, the local government will be responsible for evaluating a proposed action 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 local government with whatever additional with whatever additional information is available which will assist the local government to evaluate the proposed action.
- (2) If the 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 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 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

- (1) The following procedures apply 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:
  - (a) 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.
  - (b) If the discussion between the local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the 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.
  - (c) If the consultation between the 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 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.

- (d) 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 local government.
- (e) If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
- (c) 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 apply.



**SECTION VI**

**STATE AND FEDERAL ACTIONS AND PROGRAMS  
LIKELY TO AFFECT IMPLEMENTATION**



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

The first part of this section identifies the actions and programs of State and Federal agencies that should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP.

Pursuant to the State Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

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

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

**1. STATE AGENCIES**

**OFFICE FOR THE AGING**

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

**DEPARTMENT OF AGRICULTURE AND MARKETS**

1.00 Agricultural Districts Program

2.00 Rural Development Program

3.00 Farm Worker Services Programs.

4.00 Permit and approval programs:

4.01 Custom Slaughters/Processor Permit

4.02 Processing Plant License

4.03 Refrigerated Warehouse and/or Locker Plant License

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY**

1.00 Permit and Approval Programs:

1.01 Ball Park - Stadium License

1.02 Bottle Club License

1.03 Bottling Permits

1.04 Brewer's Licenses and Permits

1.05 Brewer's Retail Beer License

1.06 Catering Establishment Liquor License

1.07 Cider Producer's and Wholesaler's Licenses

1.08 Club Beer, Liquor, and Wine Licenses

1.09 Distiller's Licenses

1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses

1.11 Farm Winery and Winery Licenses

- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

## **DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE**

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

## **COUNCIL ON THE ARTS**

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

## **DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:

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

## **NEW YORK STATE BRIDGE AUTHORITY**

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

## **DEPARTMENT OF COMMERCE**

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

## **DEPARTMENT OF CORRECTIONAL SERVICES**

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

## **DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

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

## **EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License

- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

**NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

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

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

- b. Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

**Air Resources**

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

**Construction Management**

9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

**Fish and Wildlife**

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)

- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

### **Lands and Forest**

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

### **Marine Resources**

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

## **Regulatory Affairs**

- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals
- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration

## **Solid Wastes**

- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

## **Water Resources**

- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazard Areas
- 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazard Areas
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification

- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

#### **ENVIRONMENTAL FACILITIES CORPORATION**

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

#### **FACILITIES DEVELOPMENT CORPORATION**

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

#### **OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, including residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

- 4.00 Administration of Article 5, Section 233, subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of State water bodies.
- 5.00 Administration of Article 3, Section 32 of Navigation Law regarding location of structures in or on navigable waters.

## **DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
  - 2.13 Permit to Operate a Service Food Establishment
  - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
  - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
  - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
  - 2.17 Shared Health Facility Registration Certificate

## **DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

- 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
- 2.02 Housing Development Fund Programs
- 2.03 Neighborhood Preservation Companies Program
- 2.04 Public Housing Programs
- 2.05 Rural Initiatives Grant Program
- 2.06 Rural Preservation Companies Program
- 2.07 Rural Rental Assistance Program
- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

**HOUSING FINANCE AGENCY**

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

**JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

**MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

**OFFICE OF MENTAL HEALTH**

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

2.00 Permit and approval programs:

- 2.01 Operating Certificate (Community Residence)
- 2.02 Operating Certificate (Family Care Homes)
- 2.03 Operating Certificate (Inpatient Facility)
- 2.04 Operating Certificate (Outpatient Facility)

**OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

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

2.00 Permit and approval programs:

- 2.01 Establishment and Construction Prior Approval
- 2.02 Operating Certificate Community Residence
- 2.03 Outpatient Facility Operating Certificate

**DIVISION OF MILITARY AND NAVAL AFFAIRS**

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

**NATURAL HERITAGE TRUST**

1.00 Funding program for natural heritage institutions.

**OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)**

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

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

- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund Programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and Approval Programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation Services Program.
- 10.00 Urban Cultural Parks Program.

**POWER AUTHORITY OF THE STATE OF NEW YORK**

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

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

## **DEPARTMENT OF SOCIAL SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and Approval Programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

## **DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and Approval Programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

## **STATE UNIVERSITY CONSTRUCTION FUND**

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

## **STATE UNIVERSITY OF NEW YORK**

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

## **DIVISION OF SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and Approval Programs:
  - 2.01 Certificate of Approval (Substance Abuse Services Program)

## **DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - a. Highways and parkways
  - b. Bridges on the State highways system
  - c. Highway and parkway maintenance facilities
  - d. Barge Canal
  - e. Rail facilities
- 3.00 Financial Assistance/Grant Programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

- 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
- 3.03 Funding programs for rehabilitation and replacement of municipal bridges
- 3.04 Subsidies program for marginal branch lines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service
- 4.00 Permits and Approval Programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.0 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
  - 4.09 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])
  - 4.10 Real Property Division Permit for Use of State-Owned Property

- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program-Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

**URBAN DEVELOPMENT CORPORATION AND ITS SUBSIDIARIES AND AFFILIATES**

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

**DIVISION FOR YOUTH**

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

**2. FEDERAL AGENCIES**

**DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

## **DEPARTMENT OF COMMERCE**

### **National Marine Fisheries Services**

1.00 Fisheries Management Plans

## **DEPARTMENT OF DEFENSE**

### **Army Corps of Engineers**

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

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

### **Army, Navy and Air Force**

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

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

6.00 Establishment of impact, compatibility or restricted use zones.

## **DEPARTMENT OF ENERGY**

1.00 Prohibition orders.

## **GENERAL SERVICES ADMINISTRATION**

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

2.00 Disposition of Federal surplus lands and structures.

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

1.00 Management of National Wildlife refuges and proposed acquisitions.

### **Mineral Management Service**

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

### **National Park Service**

3.00 National Park and Seashore management and proposed acquisitions.

## **DEPARTMENT OF TRANSPORTATION**

### **Amtrak, Conrail**

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

### **Coast Guard**

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

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

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

### **Federal Aviation Administration**

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

### **Federal Highway Administration**

6.00 Highway construction.

### **St. Lawrence Seaway Development Corporation**

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

## **FEDERAL LICENSES AND PERMITS**

### **DEPARTMENT OF DEFENSE**

#### **Army Corps of Engineers**

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

## **DEPARTMENT OF ENERGY**

### **Economic Regulatory Commission**

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

### **Federal Energy Regulatory Commission**

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

## **ENVIRONMENTAL PROTECTION AGENCY**

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the Underground Injection Control Program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Services**

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

### **Mineral Management Service**

- 1.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 2.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

## **INTERSTATE COMMERCE COMMISSION**

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

## **NUCLEAR REGULATORY COMMISSION**

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

### **Federal Aviation Administration**

- 3.00 Permits and licenses for construction, operation or alteration of airports.

## **FEDERAL ASSISTANCE\***

## **DEPARTMENT OF AGRICULTURE**

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans

- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

**DEPARTMENT OF COMMERCE**

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

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

## **DEPARTMENT OF THE INTERIOR**

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

## **DEPARTMENT OF TRANSPORTATION**

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program

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

**GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

**COMMUNITY SERVICES ADMINISTRATION**

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

**SMALL BUSINESS ADMINISTRATION**

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

**ENVIRONMENTAL PROTECTION AGENCY**

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Area wide Water Quality Management  
Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants

66.600 Environmental Protection Consolidated Grants Program Support  
Comprehensive Environmental Response, Compensation and Liability (Super  
Fund)

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

**B. STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER  
THE LWRP.**

**1. STATE ACTIONS AND PROGRAMS**

**OFFICE OF GENERAL SERVICES**

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

**DEPARTMENT OF COMMERCE**

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

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

1. The reclassification of waters in the Annsville Creek area for primary contact recreation.
2. Improvements to, or funding for the improvements to the boat launching and other recreational facilities at Riverfront Green; planning and/or construction, or funding for public access improvements to Annsville Creek; and expansion of, or funding for the expansion of public docking facilities at the Peekskill Yacht Club.

## **DIVISION OF HOUSING AND COMMUNITY RENEWAL**

1. Provision of funding for the Lower South Street Urban Renewal Plan.

## **OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION**

1. Planning, construction, rehabilitation or expansion of recreational facilities or the provision of funding for such facilities Charles Point, Riverfront Green, the Peekskill Yacht Club and Annsville Creek.
2. Provision of funding for public recreation facilities and public access improvements from the Land and Water Conservation Fund.

## **DEPARTMENT OF STATE**

1. Provision of funding for the implementation of an approved LWRP.
2. Provision of funding under the Community Services Block Grant program.

## **2. FEDERAL AGENCIES**

### **DEPARTMENT OF DEFENSE**

#### **Corps of Engineers**

Financial and technical assistance in the study of potential flood control methods along Central Avenue.

### **DEPARTMENT OF THE INTERIOR**

#### **National Park Service**

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



**SECTION VII**

**CONSULTATION WITH OTHER AFFECTED  
FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES**



### **Local Consultation**

The Town of Cortlandt and the Village of Buchanan are the only local municipalities to be affected by Peekskill's LWRP. The Director of Planning and Development has notified of The Town of Cortlandt and the Village of Buchanan of all local policies and projects contained in the City of Peekskill LWRP. No problems or need of Town or Village assistance have been noted.

### **Regional Consultation**

Westchester County Department of Planning: The Westchester County Planning Department was notified in the planning stages of the LWRP and has been notified of all changes. The County has also reviewed projects, which were located in the LWRP boundary, which have been implemented since the original draft in 1986.

### **State Agency Consultation**

The following state agencies have been notified during the development of the LWRP regarding specific projects:

#### **1. Department of Environmental Conservation**

Peekskill Yacht Club

Riverfront Green Development

Central Avenue Flood Control Structure

Proposed Annsville Creek Fishing Pier

Peekskill Landing Redevelopment

#### **2. Department of Transportation**

Louisa Street/Route 9 Interchange

Main Street/Route 9 Bridge

#### **3. Department of Parks, Recreation and Historic Preservation**

Fleishmann Pier (China Pier)

Riverfront Green Development

Pond House (Lent House)

Railroad Station Improvements

4. **Job Development Authority**

Charles Point Industrial Park

5. **Department of State**

Fleishmann Pier (China Pier)

Charles Point Marina (Phase II)

LWRP

Peekskill Yacht Club

Peekskill Landing Redevelopment

6. **Federal Consultation/Metro North**

Railroad Station Improvements -- MetroNorth

Peekskill Yacht Club -- U.S. Army Corps of Engineers

Central Avenue Flood Control Structures -- U.S. Army Corps of Engineers

Dredging of Travis Cove and Peekskill Harbor -- U.S. Army Corps of Engineers

7. **Other Organizations**

Scenic Hudson

**SECTION VIII**  
**LOCAL COMMITMENT**



## **Purpose**

The City of Peekskill began drafting its Local Waterfront Revitalization Plan (LWRP) in 1985.<sup>8</sup> This document represents the City's long-term commitment to its waterfront heritage and the maximum use of its water resources for the benefit of all. As part of the City's commitment to public participation, a Public Hearing on the Draft LWRP was opened on June 25, 2001 and adjourned until September 24, 2001 in order to afford the public a reasonable time to review and comment on the Draft LWRP and the Draft GEIS.

Many of the projects and policies originally identified in the 1986 draft have been implemented and new programs and projects have been added to the plan. Throughout the process, many public and private organizations have participated in developing portions of the plan. The earliest citizens' advisory group was composed of members of other public organizations: The 701 Waterfront and Uplands Study; CAC, the Conservation Advisory Committee, and the Park, Recreation and Open Space Committee.

The City of Peekskill's commitment to implementing the LWRP is best demonstrated by its financial commitment over the past six years to implementing various elements of the plan. A brief listing of both private and public funding of LWRP projects follows.

## **Southern Planning Area (see map in Section IV)**

### **Charles Point Industrial Park**

The City has secured several forms of public financial assistance in excess of \$5.7 million to support the development of private businesses at the Charles Point Industrial Park. These sources are listed on the following page in Table VIII-1. The financial assistance secured by the City has been matched by over \$10 million from private sources.

A City multi-purpose (ball) field is currently proposed and under design by Ward Associates for a site next to Fleischmann's Pier that will be visible from Riverfront Green.

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<sup>8</sup> The City of Peekskill acknowledges the assistance of several State and Federal Agencies, namely the New York State Department of Environmental Conservation Region 3 Field Office, the United States Department of Commerce national Oceanic and Atmospheric Administration and the United States Department of the Interior Office of the Secretary in providing updated environmental information.

**Table VIII-1  
Sources of Completed Economic Development Incentives**

UDAG	Urban Development Action Grant	\$515,000.	Poritzky/Wenco
IRB's	Industrial Revenue Bonds	3,050,000.	Wenco Bertoline
EDL	Economic Development Loan	150,000.	RAE Office Park Crystal Bay
JDA	Job Development Authority Loan (Direct loan)	677,475.	Poritzky Meats
SBA	Small Business Administration (Direct loan)	913,125.	Poritzky Yorktown Paper
SBA	Small Business Administration (Loan guarantee)	465,000.	Crystal Bay
	<b>Total</b>	<u>\$5,770,600.</u>	

In addition, nearly \$400,000 was invested in the creation and upgrade of the Charles Point Pier Park. Other funding sources include grants from the New York State Environmental Quality Bond Act (NYSEQBA), the Hudson River Improvement Funds and Environmental Protection Funds, which were used to supplement City funds.

EQBA	NYS Environmental Quality Bond Act	\$163,000.
HRIF	Hudson River Improvement Fund	15,000.
EPF	Environmental Protection Fund	98,000.
City	City Funds	110,000.

Lower South Street

The City has facilitated public financial assistance for projects in this area. A \$367,000 UDAG Loan was secured for Karta Recycling, Inc. and a \$2.8 million Industrial Revenue bond, guaranteed by the NYS Job Development Authority was issued. Mearl Inc. (now The Engelhard Corporation) also located in that area, has invested approximately \$5 million in capital improvements to its property. Morano Asphalt spent \$2 million in site development.

### Louisa Street/Route 9 Interchange

This project was funded entirely by the New York State Department of Transportation (NYSDOT) and cost approximately \$10 million.

### Central Planning Area

#### Waterfront Redevelopment Land Use Plan

In 1989, the City hired the Planning Consulting Firm of Sasaki, Inc. to develop the Peekskill Waterfront Redevelopment Plan. The plan cost approximately \$90,000 to develop and continues to be implemented in phases.

#### Pending Capital Improvements

- Commuter Parking: Improvements to the parking lots in the Central Planning Area have been designed and will cost an estimated \$2 million to construct.
- Central Avenue Flooding Project: Flood control structures for this area cost approximately \$2 million (Second phase scheduled for 2003).
- Railroad Station Parking: This project is in the earliest stages of planning. No funding source has been designated.
- Railroad Station Plaza and adjacent streetscapes/sidewalks: Over \$500,000 in improvements have been made, largely with federal CDBG funds and a City match of in-kind services.
- Waterfront Park Development Plan: The implementation of this plan calls for the expansion along the Riverfront Green, re-landscaping of the Green, creation of a trail expansion along the Riverfront and linking the waterfront trail system with Fort Hill Park and other City parks.
- The City is also seeking various grants that will be used to acquire the Historic Lincoln Train Station and restore it. Governor George E. Pataki has given the City a grant of \$750,000 for the interior restoration of the Lincoln Train Station.

The City will be working the working in close cooperation with the Westchester County Department on its RiverWalk Project. The RiverWalk Project may allow additional segments of the City's trail system to be built.

The public space and public access at the Riverfront will be expanded further north on the site owned jointly by The Scenic Hudson Land Trust, Inc. (SHLT) and City (Peekskill Landing site).

The Lincoln Train Station will be refurbished and restored and improved with a vest pocket park.

The following projects have been completed to date:

Additional lands dedicated to Riverfront Green Park:

- 3 acre parcel at southern end of Riverfront Green Park
- 28 acre Annsville Creek Preserve (north end of the park)
- Acquisition of an 8.1-acre parcel under joint ownership by the SHLT and City at the northern end of Riverfront Green Park (acquired in 2001 – Peekskill Landing site).

*Phase I Improvements:*

Pedestrian pathways, and a pedestrian plaza, were constructed including landscaping and lighting. The shoreline was stabilized, landscaping, lighting: \$570,000. An EQBA Grant of \$570,000 was used to fund the construction project.

*Phase II Improvements:*

An upgrade of the Boat Launch (completed): Funded in the amount of \$332,000 (Funding comes from the NYS DEC Grant and, in part, from budget allotments for City in-kind services).

In addition, the City's land-use review boards have incorporated the goals and policies of the LWRP into day-to-day development decisions. The Common Council, the Industrial Development Agency (IDA), the Planning Commission, the former Architectural Review Board, and the Riverfront Green Committee have all worked toward providing for the coordinated development of the waterfront. The types of applications ranged from special permits, site plans and subdivisions, to City-initiated rezoning.

Charles Point Industrial Park required subdivision and final site plan approvals. The Charles Point Pier Park was improved to allow public access and a dock for "Tall Ships".

Waterfront Design District Zone changes, implemented by the City in 1990, came about as a result of the Sasaki Waterfront Redevelopment Plan.

The National Maritime Museum at Charles Point was an accessory use contained within the Charles Point Plan. When funding is secured, the Museum will be moved to the Peekskill Landing site and include a boat building facility.

Peekskill Yacht Club that provides 28 public boat slips, access to public moorings, and improved public access to the waterfront, was approved to further the Central Planning Area policies.

Extension of Riverfront Green Park to include "Tallix Property" - Shoreline stabilization and a pedestrian bridge and vehicle bridge have received grants from New York Department of State. These projects are anticipated to be completed in 2000.

**Appendix A – 1**

**Adopted Zoning Ordinance Text – Waterfront District (WF)**



## **ARTICLE VII, Special Districts**

### **§ 300-41. WF Waterfront District. [Amended 12-14-1987; 11-13-1990]**

- A. Purpose. The City of Peekskill waterfront is a unique natural setting that provides water-related recreation opportunities, both passive and active, majestic views, habitat for wildlife, a transportation center and an opportunity for commercial and residential development. The creation of a waterfront district is intended to encourage the creation and/or maintenance of sound development within the city's waterfront area in a manner that optimizes the locational opportunity for appropriate commercial, residential, service and recreation activities, including the possible multiple use of sites, which shall be compatible with adjacent uses so as not to cause nuisance or environmental harm, and at the same time recognizes and protects the unique natural setting and the public investment made in open space and preservation of vistas. Any development in the waterfront shall be reviewed by the Planning Commission and Common Council, as applicable, with the following public objectives which should be evaluated in a comprehensive manner:
- (1) Preservation of open space and recreation opportunities.
  - (2) Preservation and reclamation of views or vistas of Peekskill Bay and the Hudson Highlands.
  - (3) Attractive rehabilitation of existing buildings.
  - (4) Consolidation of transportation uses and services.
  - (5) Provision for and support of water-related services and businesses.
  - (6) Development of residential dwellings where such development advances the purposes set forth herein and in § 300-19 of this chapter.
  - (7) Expansion of public rights-of-way and easements along the water's edge.
- B. Overall district. The Waterfront (WF) Zoning District is hereby amended to include all areas delineated "WF" on the Zoning Map of the City of Peekskill, as amended.
- C. Subareas. The Waterfront District, as established, is hereby divided into three subareas: WF-1, WF-2 and WF-PRD. The Common Council finds that each subarea has a distinct character because of topography and/or location within the waterfront area. These subareas are established as delineated on the Zoning Map of the City of Peekskill.

D. Subarea WF-1. [Amended 12-23-1991; 9-26-1995]

(1) Permitted uses.

(a) Municipal parks.

(2) Special Permit uses.

(a) For all special permit uses in the WF-1, the Design Guidelines for the WF District are hereby deemed additional criteria to be used in evaluating proposals. In reviewing special permit applications, the Planning Commission shall make a report to the Common Council regarding consistency with the Design Guidelines. No special permit shall be granted pursuant to this section unless the Common Council shall have made an affirmative finding that the project is consistent with the Design Guidelines to the maximum extent possible.

(b) The following uses are permitted in the WF-1 Subarea subject to the issuance of a special permit by the Common Council:

[1] Marina, boat club, boat launching and sale or rental of marine supplies and boats.

[2] Fully enclosed structures not to exceed 10,000 feet of floor area for the repair and manufacture of boats, sails and equipment.

[3] Transportation services, including ferry terminal and commercial boat charter.

[4] Restaurant, standard.

[5] Hotels and motels.

(3) Lot area and building requirements.

(a) Height. No structure shall be erected to a height in excess of two stories or 24 feet. This height requirement may be waived by the Planning Commission for structures to be developed at Travis Point, however, such structure may not exceed four stories and the overall height may not exceed 45 feet.

(b) Structures shall be set back 100 feet from the water's edge, except structures which require direct access to the water for their function and which are not more than one story or 12 feet in height.

(c) For hotel/motel uses the following bulk standards shall additionally apply:

- [1] One thousand square feet of lot area shall be provided for each guest room.
- [2] Each guest room shall include a full private bathroom.
- [3] Minimum guest room size, including private bathroom, shall be 400 square feet.
- [4] Maximum floor area ratio (FAR) shall be 0.75.
- [5] Gross floor area designated to permitted ancillary uses shall not exceed 60% of the gross floor area for all site structures.
- [6] Buffering shall be provided as follows: a twenty-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between both the main building and all outdoor recreation areas and all side and rear lot lines; a ten-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between all parking areas and all side and rear lot lines.

(4) Special Permit additional criteria.

(a) Marinas.

- [1] For marina development within the WF-1, the following criteria are requirements for the issuance of a special permit by the Common Council:
  - [a] A traffic analysis must be provided, indicating that peak hour traffic flows can be accommodated at adequate levels by the existing street system and/or proposed improvements to the existing street system.
  - [b] An engineer's report must be provided, certifying that improvements to be constructed in conjunction with the development will not have significant negative impacts on the following:
    - [i] The quality of water in Peekskill Bay, defined herein as the portion of the Hudson River located between the northern and southern boundaries of the City of Peekskill.

- [ii] Boating safety and freedom from boat congestion in Peekskill Bay due to the number of proposed and preexisting slips in Peekskill Bay.
  - [c] Sewerage pump-out stations must be provided and located in convenient locations in accordance with applicable federal, state and local standards and must be available to the general boating public.
  - [d] Garbage stations must be provided and located in convenient locations in accordance with all applicable federal, state and local standards.
  - [e] Upland support facilities, including but not limited to showers, bathrooms and laundromats must be provided for the use of marina patrons for marina developments with 100 or more boat slips.
  - [f] Improved public access to the shoreline through boardwalks or other suitable means must be provided.
  - [g] Not less than 25% of all boat slips must be made available to the public through annual leases.
  - [h] Acceptable and adequate provision for the off-season storage of boats, whether on-site or off-site, must be demonstrated to the satisfaction of the Common Council. Any such storage which, in the determination of the Common Council, results in excessive interference of shore site lines to the river shall be deemed unacceptable.
- [2] The residential use of marinas is strictly prohibited. For the purposes of this Subsection D (4) (a) [2], continuing occupation of any boat by any person for a period of seven days shall be deemed a prohibited residential use.
- (b) Hotels.
- [1] For hotel development within the WF-1, the following criteria are requirements for the issuance of a special permit by the Planning Commission:
    - [a] Minimum of 50 guest rooms shall be provided.

- [b] Occupancy shall be limited to transients who shall reside in the hotel for not more than 180 days a year.
- [c] Minimum rate shall be for a full day; hourly rental rates shall not be permitted.

E. Subarea WF-2. [Amended 11-29-1994; 9-26-1995]

(1) Permitted uses.

- (a) [Amended 7-10-2000 by L.L. No. 2-2000] Commercial uses with a maximum floor area of 4,000 square feet for each structure limited to the following uses:
  - [1] Retail stores to include photocopying services.
  - [2] Arts and crafts studios, art and/or antique galleries or museums.
  - [3] Professional and business offices.
  - [4] Beauty parlors, barbershops, tailors and nail shops.
  - [5] Furniture, cabinetry and musical instrument design, fabrication and repair and small appliance repair, provided that items are offered for sale on the premises.
  - [6] Job printing which includes design and reproduction work.
  - [7] Dance studios and martial arts studios.
  - [8] Dry-cleaning stores, except that no dry cleaning may be performed on the property.
- (b) Municipal parks and playgrounds, including customary recreational, refreshment or service buildings and, without limitation, any other proprietary or governmental use of the City of Peekskill.

(2) Special permit uses.

- (a) For all special permit uses in the WF-2, the Design Guidelines for the WF District are hereby deemed additional criteria to be used in evaluating proposals. In reviewing special permit applications, the Planning Commission shall make a report to the Common Council regarding consistency with the Design Guidelines. No special permit shall be granted pursuant to this section unless the Common Council shall have made an

affirmative finding that the project is consistent with the Design Guidelines to the maximum extent possible.

- (b) The following uses are permitted in the WF-2 Subarea subject to the issuance of a special permit by the Common Council:

[1] Residential uses limited to the following:

- [a] Dwelling units, whether attached or semi-attached, including townhouse and garden apartment configurations, in accordance with the standards and guidelines of the WF Zoning District.

[2] Nonresidential uses limited to the following:

- [a] Restaurant, standard.

- [b] Retail stores to include photocopying services.

- [c] Business and professional offices with a floor area of greater than 4,000 square feet.

- [d] Arts or crafts studios, art galleries and antique galleries, furniture, cabinetry and musical instrument design, fabrication, and repair studios with a floor area greater than 4,000 square feet. [Amended 7-10-2000 by L.L. No. 2-2000]

- [e] Public or private parking lots or structures.

- [f] Day-care centers and school-age child care as a principal use, subject to the following conditions:

- [i] Buffering five feet in width and a six-foot-high opaque fence with the finished side facing out shall be required between all play areas and all lot lines, subject to Planning Commission full or partial waiver of this requirement.

- [g] Houses of worship, subject to the following standards in addition to those identified in §§ 300-54 and 300-55 of this chapter:

- [i] Minimum dimensional standards for a house of worship shall be as follows: one acre minimum lot size; one-hundred-fifty-foot minimum lot width;

20% maximum building coverage; 50% maximum impervious coverage; and maximum building height of 50 feet.

- [ii] One parking space per four seats.
- [iii] Parking area to be buffered from all side and rear lot lines by a planted area a minimum of 10 feet in width; no parking is permitted in a required front yard.
- [iv] Building setbacks for all structures shall be a minimum of 50 feet from all front lot lines, 15 feet from all side lot lines and 30 feet from all rear lot lines, or 1/2 of the building height from each lot line, whichever is greater.
- [v] Any facility with maximum capacity of 150 persons or more shall prepare a traffic impact analysis, which analysis shall include proposals for any necessary mitigation measures to be undertaken by the applicant, to the satisfaction of the Planning Commission.
- [vi] Maximum site generated light shall not exceed 1.5 footcandles at the property line and the source of all exterior lighting shall not be visible beyond the property line.
- [h] Museums.
- [i] Libraries.
- [j] Bed-and-breakfast facility.
- [k] [Added 7-21-1997] Artist lofts.
  - [i] When an action will result in one building containing three or more artist lofts, the artist loft shall be subject to the issuance of a special permit by the Common Council. If the action results in one building containing not more than two artist lofts, then the artist loft shall be subject to the issuance of a special permit by the Planning Commission.

[ii] Development standards.

- [A] An artist loft may exist on the first floor of the structure if all of the following conditions are satisfied:
- {1} The artist loft is arranged in such a fashion that as to comply with guidelines defined in Design Guidelines, Subsection C(2), such that consistent street wall with street frontage is maintained.
  - {2} The portion of the loft space primarily intended for residential use does not directly face the street.
  - {3} The loft shall maintain a commercial appearance from the street consistent with the retail nature of the surrounding area.
- [B] Each artist loft shall be separated from other artist lofts or other uses within a particular building. Access to artist lofts may be provided from common access areas, halls or corridors.
- [C] Each artist loft must be individually equipped with an enclosed bathroom containing a bathroom sink, water closet, shower and appropriate venting.
- [D] Each artist loft must be individually equipped with a kitchen that contains a four-burner stove and oven, with a range hood vented to the exterior of the unit. Each unit must provide a minimum of five feet of countertop, a kitchen sink and a minimum of 10 feet of storage cabinets. Each unit must be served by a garbage disposal unit.
- [E] Each artist loft must contain a livable floor area of no less than 800 square feet and no greater than 2,000 square feet. The Planning Commission, upon review, may waive the

aforementioned maximum requirement upon a finding that artwork to be created in said space would require greater square feet for production or all of said increased square feet was to be used as work space.

- [F] No more than 49% of the livable floor area of the artist loft may be primarily intended for residential uses. In no event may said residential area exceed 980 square feet. Direct internal access between living and working areas must be provided.
  
  - [G] Sprinkler systems must be provided in all common hallways and areas of any building containing an artist loft if the loft contains only one legal means of egress. Hard-wired smoke detectors with battery back ups must be provided for all units.
- [iii] Other requirements.
- [A] All lofts must comply with New York State Uniform Fire Prevention and Building Code standards for storage of materials.
  
  - [B] The artist loft must be occupied by at least one person who is registered as an artist by one of the following organizations: the Peekskill Arts Council, the Paramount Center for the Arts or the City of Peekskill.
  
  - [C] The artwork that is to be created within the artist loft must be compatible with other uses which occur or are to occur within the building in which the artist loft is to be located.
  
  - [D] No more than two persons per bedroom of residential floor area may reside within an artist loft.
  
  - [E] Only three nonresident employees may be employed within an artist loft. This requirement may be waived for artist lofts

that occur on the first floor of a structure that provide retail space on that first floor.

[F] Other than in a first-floor retail-oriented area, articles offered for sale within an artist loft must include those produced by the artist occupying said artist loft and may be offered with other like items.

[G] Air conditioners, clotheslines and other objects or equipment shall be prohibited from projecting from any window that is visible from a public street.

[H] One flush-mounted nonilluminated sign attached adjacent to or near the street entrance door to the artist loft may be used to identify the artist. Where two or more artist lofts occur within the same building, the signs must be placed in an orderly fashion in relation to each other.

[I] Work space and accessory residential space shall not be rented separately or used by persons other than those people legally residing within the artist loft.

[1] Mixed-use development containing only those uses approved for the WF-2 Subarea. Where residential and nonresidential uses are in the same structure, the residential portion of a building shall have separate access. [Amended 7-21-1997]

(3) [Amended 7-21-1997] Lot area and building requirements.

(a) Height. No building shall be erected to a height greater than three stories or 38 feet.

[1] This requirement may be waived by the Planning Commission for parcels fronting on Pemart Avenue or east of Route 9 to a height not to exceed 52 feet solely upon an affirmative finding that adequate parking is provided pursuant to § 300-41H of this chapter and that the proposed height will not block upland views to the

Hudson River or produce buildings out of scale with the character of the surrounding neighborhood.

[2] Chimneys, flues, towers, bulkheads, spires parapets, skylights and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part and do not exceed an additional 10 feet above the maximum height set forth in this § 300-41E(3).

- (b) Yards. No side yard or rear yard is required. If a side or rear yard is provided, it must be 10 feet.
- (c) Setbacks. Buildings shall be set back 10 feet from the curb to create a consistent street wall except in the case of South Street, Union Avenue and Depew Street. On these aforementioned streets, buildings may be built up to the road right-of-way in order to maintain the existing street walls. The Planning Commission may vary this requirement to increase or decrease the setback of a building if it is determined by the Planning Commission that the building entry space provided creates a usable open space such as a park or plaza or if such space provides an improved alignment with existing adjacent buildings.
- (d) Residential parking. Parking for residential uses shall not be located within the frontage abutting the street. The Planning Commission may waive this requirement for lots in excess of one acre if the parking scheme is deemed appropriate for said residential space.
- (e) Residential entrances. Main entries to residential uses shall be from the side of the structure that faces the street except in the case of artist lofts where residential entrances may be from the side of the structure that does not face the street.
- (f) Residential unit size. In a multiple-dwelling development containing more than five dwellings, the average size of residential units within a single parcel shall not be less than 1,000 square feet of floor area per unit. In the case of artist lofts, see § 300-41E(2)(b)[2][k][ii][E] and [F] for specific unit size requirements.
- (g) Bonus height. Additional building height may be granted by the Common Council to developments that provide retail uses on the ground floor of residential buildings. This area may be in the form of one additional story, not to exceed 12 additional feet in height.

F. Subarea WF-PRD. [Amended 4-8-1991; 9-26-1995]

(1) Permitted uses.

(a) One-family residential uses as regulated in the R-1B District.

(2) Special permit uses.

(a) For all special permit uses in the WF-PRD, the Design Guidelines for the WF District are hereby deemed additional criteria to be used in evaluating proposals. In reviewing special permit applications, the Planning Commission shall make a report to the Common Council regarding consistency with the Design Guidelines. No special permit shall be granted pursuant to this section unless the Common Council shall have made an affirmative finding that the project is consistent with the Design Guidelines to the maximum extent possible.

(b) The following uses are permitted in the WF-PRD Subarea subject to the issuance of a special permit by the Common Council:

[1] Residential uses limited to the following:

[a] Dwelling units, whether attached or semi-attached, including townhouse, garden apartment, and mid-rise apartment configurations, in accordance with the requirements of the WF Zoning District.

[2] Nonresidential uses limited to the following:

[a] Hotels and motels, subject to the following conditions:

[i] Minimum of 50 guest rooms must be provided.

[ii] The following bulk standards shall apply:

[A] One thousand square feet of lot area shall be provided for each guest room.

[B] Each guest room shall include a full private bathroom.

[C] Minimum guest room size, including private bathroom, shall be four hundred 400 square feet.

- [D] Maximum floor area ratio (FAR) shall be 0.75.
- [E] Gross floor area designated to permitted ancillary uses shall not exceed 60% of the gross floor area for all site structures.
- [F] Buffering shall be provided as follows: a twenty-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between both the main building and all outdoor recreation areas and all side and rear lot lines; a ten-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between all parking areas and all side and rear lot lines.

[iii] Occupancy shall be limited to transients who shall reside in the hotel for not more than 180 days a year.

[iv] Minimum rate shall be for a full day; hourly rental rates shall not be permitted.

[b] Convents.

(3) Lot area and building requirements.

(a) Height. Except as provided in Subsection F(3)(a)[1] and [2] below, no building shall be erected to a height greater than three stories or 38 feet.

[1] This limitation may be waived by the Planning Commission to a height not to exceed 52 feet for buildings located adjacent to the existing convent building within an area 325 feet in width, the center line of which begins due south of the center line of the existing convent building, continuing in a southerly direction a distance of 400 linear feet.

[2] Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part and do not exceed an additional 10 feet above the maximum height set forth in § 300-41F(3)(a) herein.

- (b) Steep slopes. In general, development of areas with a slope of 20% or greater shall be avoided, except for those areas of less than 5,000 square feet used for roads.
- (c) Density. The standards set forth in the table below are maximum design densities for various housing types. The overall gross density of any site or site assemblage shall not exceed nine dwelling units per acre; provided, however, that upon award of bonus density pursuant to § 300-41F(3)(d) hereof, such density may be increased not to exceed 11 units per acre.

[1] Subject to the density limitation in Subsection F(3)(c) above, the following is the maximum density allowed within a given development for each housing configuration:

Configuration	Density (units per acre)
Townhouses	7
Garden apartments	15
Mid-rise apartments	22

- (d) Bonus density.

[1] In the WF-PRD Zone Subarea, an increase in residential density may be granted by the Common Council upon a finding by the Common Council that the project will provide additional parkland to the city or will otherwise substantially increase public access or beneficial use of the waterfront. In making such a finding, the Common Council may, in its sole discretion, consider off-site improvements to be made by the applicant.

[2] The bonus density granted pursuant to Subsection F(3)(d)[1] shall not exceed one residential unit per acre.

[3] In addition to Subsection F(3)(d)[2] above, an increase in residential density not to exceed one additional unit per acre may be granted by the Common Council upon a finding by the Common Council that the proposed project will result in the rehabilitation and preservation of a building or buildings which the Common Council finds to be of special historic, architectural or design importance to the history and character of the City of Peekskill.

- (4) Special Permit additional criteria.
- (a) For special permit applications within WF-PRD, the following criteria are requirements for the issuance of a special permit by the Common Council. No special permit shall be granted pursuant to this section unless the applicant has submitted evidence which, as determined by the Common Council, adequately demonstrates compliance with all of the criteria set forth in this Subsection F(4)(a) and (b).
- [1] A traffic analysis shall be provided, indicating that peak hour traffic flows generated by the proposed development can be handled at adequate levels of service by the existing street system and/or proposed improvements to the street system.
- [2] An engineer's report shall be provided, which certifies that existing systems, together with improvements to be constructed in conjunction with the development, will have sufficient capacity to provide the following:
- [a] Water fire flows sufficient to meet fire and safety standards for the scale and type of development proposed.
- [b] Sanitary sewer service connected to the existing city system which complies with city and county regulations.
- [c] A drainage system which will not adversely impact existing development within the same drainage basin.
- [3] For all common property not dedicated to the City of Peekskill or other public agency, the owner shall provide for and establish an organization that will provide for the continued ownership and maintenance thereof, consistent with all applicable state laws and in accordance with § 300-28I herein.
- [4] All electrical, telephone, cable television and similar equipment shall be installed underground in accordance with the New York State Public Service Commission regulations.
- [5] The right-of-way and pavement widths for internal roads serving multifamily dwellings shall be sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and access by fire-fighting equipment and police or emergency vehicles. The pavement of said roads shall be not less than 24 feet wide. All streets to be dedicated shall be subject to all other applicable city ordinances and standards.

[6] The developer shall provide all necessary on-site water and sewer facilities, storm drainage, paved service streets, curbing, sidewalks, parking and loading facilities, lighting, fire alarm and other necessary support systems, which shall be connected to public utility systems at the nearest feasible point.

(b) Recreational uses and nonresidential uses, including but not limited to parking and loading areas, must be located so as to be compatible with nearby residential uses. All such uses must be adequately screened and buffered where adjacent to residential development.

G. [Amended 9-26-1995; 7-21-1997] Accessory uses. Accessory uses are limited to the following:

(1) Residential uses.

(a) Customary home occupations, provided that:

[1] No display of goods or signs is visible from the street.

[2] Such occupation is incidental to the residential use of the premises and is carried on in the main building by a resident thereof with no more than two assistants or employees who do not reside on the premises.

[3] Only customary household appliances and equipment are used.

[4] Such occupation is conducted in an area not exceeding 30% of the total floor area of the residence.

(b) The keeping of not more than three customary household pets over six months old, but excluding the commercial breeding or keeping of the same.

(c) Fences or garden walls, limited to four feet in height, measured above finished grade. This height restriction may be waived by the Planning Commission for side and rear yard fences or garden walls to a height not to exceed 6 1/2 feet if the Planning Commission determines that such height will not block views of the Hudson River.

(d) Swimming pools.

(e) Off-street parking, including private garages.

- (2) Nonresidential uses:
  - (a) Off-street parking.
  - (b) Enclosed storage.
  - (c) Signs, in accordance with the Peekskill Sign Ordinance.
  - (d) Accessory recreation, such as swimming pools and tennis courts for use of residents, members or patrons of the principal use.
  - (e) Fabrication of craft items, such as jewelry, pottery or woodcraft, provided that retail sales of such items are provided on the premises.
  - (f) Artist lots may have artist galleries or fabrication spaces to be used by artist loft occupants, with this space limited in size not to exceed 2,500 square feet.
  - (g) Cemetery, accessory to convent, for the residents thereof.

H. [Amended 9-26-1995; 7-21-1997] Off-street parking.

(1) Except for the WF-PRD Subarea and for artist lofts in the WF-2 Subarea, all parking must be at the side or rear of the building it is provided for. Artist loft parking areas may be defined by the Planning Commission pursuant to a recommendation of the Architectural Review Board.

(2) Minimum requirements.

(a) The following minimum off-street parking requirements shall apply:

Use	Required Spaces
Retail	1 per 300 square feet of floor area
Restaurant	1 per 100 square feet of patron use area
Marina	1 for each 2 boat slips
Office	Same as § 300-32G
Bed-and-breakfast	1 per guest room plus 2 for the required manager's dwelling unit

facility	
Artist loft	1 parking space per artist loft, except in the case of artist lofts above 2,000 square feet where 2 spaces are required
Day-care center or school-age child care	As a principal use, 1 parking space per 10 on the maximum shift plus 1 parking space per employee on the maximum shift
Hotel	1 per room, plus 2 for the live-in manager-caretaker (if any), plus 1 per employee on the maximum shift, plus 1 per 300 square feet of gross retail or service floor area, plus 1 per 100 square feet of restaurant patron area, plus the number of parking spaces determined by the Planning Commission to be appropriate for any use not specifically identified above. The Planning Commission may waive a portion of the parking requirement if, in its sole authority, the Commission determines, based upon a showing by the applicant, that such a waiver is warranted due to variation in the probable times of maximum use by employees and guests or such other evidence as is provided by the applicant to the satisfaction of the Planning Commission.
Libraries	1 for each 500 square feet of gross floor area plus 1 per employee on the maximum shift
Museum	1 for each 1,000 square feet of gross floor area plus 1 per employee on the maximum shift
Residential	

1-bedroom	1.5
2-bedroom	1.75
3-bedroom or more	2.0

When boat slips are provided as part of the development, an additional .5 parking space shall be provided per boat slip

Uses not As determined by the listed Planning Commission to be needed to discourage long-term on-street parking

(b) All or portions of the off-street parking requirements may be waived by the Planning Commission upon an affirmative finding that the following conditions have been satisfied:

- [1] The proposed use is within 500 feet for residential or 1,000 feet for other uses of a municipally operated off-street parking facility, such distance to be measured from the midpoint of the front street lot line.
- [2] The Planning Commission shall, at the time of site plan approval, certify on such plan that the municipally operated off-street parking facility has adequate capacity for storage of passenger vehicles generated by activities proposed to be conducted on the subject lot in addition to those generated by any other uses already serviced or programmed by such off-street parking facility.
- [3] On parcels less than 10,000 square feet, if parking adequate to meet the standards of this chapter, as determined by the Planning Commission, is available within 1,000 feet, a payment in lieu of providing off-street parking shall be made to the city in amounts set by the Common Council for each required space that is waived. This payment will be deposited in a special parking fund, to be used solely for the purpose of providing off-street parking in the Waterfront District.
- [4] On parcels 10,000 square feet or greater, if parking adequate to meet the standards of this chapter, as determined by the Planning Commission, is available within 500 feet for residential or 1,000 feet for other uses, a maximum of 20% of the required parking can be waived upon payment of a fee in amounts set by the Common Council for each required space that is waived.

- [5] Where two or more uses exist on the same lot, the total amount of parking space to be provided shall be the sum of the requirements for each individual use on the lot. However, the total parking requirement may be reduced if a shared parking analysis demonstrates to the Planning Commission's satisfaction that such shared parking will be adequate to service all uses within the site.
- [6] The Common Council may waive the above fee requirements if parking adequate to meet the standards of this chapter, as determined by the Planning Commission, is provided within 500 feet for a residential use or 1,000 feet for other uses or if other appropriate arrangements, as determined by the Planning Commission, can be made for private off-site parking within 500 feet for residential use or 1,000 feet for other uses.

- I. Off-street loading requirements. All off-street loading shall take place on the lot of the principal use. Loading units shall be provided in accordance with § 300-21F, None of the loading areas may front on the street, This requirement may be reduced or waived by the Planning Commission where it determines that, as a result of the size of trucks, number of trucks and frequency of deliveries associated with the use, such waiver will have no negative impact upon traffic, parking and pedestrian safety.
- J. Special design district. This district shall constitute a special design district under § 300-54B(1)(d).
- K. Site plan review. The Design Guidelines for the Waterfront District are hereby deemed additional criteria for the evaluation of applications for site plan approval. In reviewing site plans which do not require a special permit, pursuant to this section, the Planning Commission shall consider the design guidelines for the WF District, and no site plan shall be approved unless the Planning Commission first makes an affirmative finding that a site plan is consistent with the Design Guidelines to the maximum extent possible.
- L. Special permit and site plan application procedures.
  - (1) The applicant shall submit a preliminary site plan map at a minimum scale of one inch equals 30 feet to the Director of Planning and Development. The preliminary site plan, which shall be accompanied by a special permit application, shall clearly show the following:
    - (a) The disposition of various land uses and the area covered by each, in acres.
    - (b) The general outline of the interior road system and all existing and proposed rights-of-way and easements, whether public or private.
    - (c) Calculation and delineation of areas covered by bodies of water, slopes of 20% and over and rock outcroppings as defined in § 300-27E(4)(b).

- (d) Delineating of the various residential areas, indicating the number of dwelling units by each housing type: attached dwellings, garden apartments and mid-rise apartments, plus a calculation of the parcel density in dwelling units per gross parcel acreage.
  - (e) The interior common open space system and a statement as to how it is to be preserved as such throughout the life of any portion of the planned residential development and how it is to be owned and maintained.
  - (f) Appropriate site plan elements as specified in § 300-54E.
  - (g) Evidence and documentation demonstrating compliance with the goals and standards of the WF Zoning District.
- (2) The Director of Planning and Development (DPD) shall review the preliminary site plan and all related documents and, within 30 days of its submission, shall certify as to whether the application is complete and whether the proposal meets all the general requirements herein. If the application is not complete or does not meet these general requirements, it shall be returned to the applicant with the deficiencies noted.
- (3) Following certification as outlined in Subsection L(2) above, the DPD shall forward the application to the Common Council. The Common Council shall refer the application to the Planning Commission for a recommendation on the special permit and review of the preliminary plan. The Planning Commission shall render and issue a report recommending either approval, denial or approval with conditions within 45 days of the date of referral by the Common Council. Upon request of the Planning Commission, the Common Council may extend the time for a report for an additional 45 days.
- (a) Findings. The report shall, at a minimum, include the following findings:
- [1] That the proposal conforms to the Comprehensive Master Plan, as amended, duly adopted by the Peekskill Planning Commission.
  - [2] That the proposal meets all of the general requirements of Subsection L and is consistent to the maximum extent possible with the Design Guidelines.
  - [3] That the proposal is conceptually sound in that it meets community needs in the layout of the proposed functional roadway system, in its land use configuration, open space and drainage systems and in the scale of the elements, both absolute and as they relate to one another.

- (b) A report recommending denial shall state clearly the reasons therefore.
- (4) Application for final site plan and, where appropriate, plat approval shall conform to the requirements described in § 300-27E(11), (12), (13) and (14).

## **Design Guidelines for the Waterfront District**

### **A. Introduction.**

- (1) The purpose of these Design Guidelines is to set the visual and urban design parameters for development in the Waterfront District. They are referred to under the new zoning regulations for the Waterfront District (§ 300-41) and are intended to be flexible and allow for responsiveness to the unique features of individual parcels, while providing a context within which rational and cohesive development can occur.
- (2) The Design Guidelines should be used by developers when beginning the design phase of development and will be referred to by the Planning Board or other reviewing body when assessing projects under the site plan review process.
- (3) This document consists of a Design Guidelines map, typical street sections for the major streets within the waterfront and text describing the rules which govern separate areas of the waterfront.
- (4) The map shows important view corridors, existing structures, open space and environmentally sensitive areas which should be preserved, as well as the preferred parking areas, building entries and new rights-of-way.
- (5) The typical street sections were developed to show ideal building heights and setbacks from the curb, as well as sidewalk widths, landscaping, parking and lighting locations.
- (6) For each project type and/or discreet parcel within the subareas, specific rules govern the orientation of buildings; their massing and setback from the street, permitted building materials and criteria for parking that promote the quality of design that responds to the unique historical and topographical features of the Peekskill waterfront.
- (7) For land use, dimensional and height regulations for specific subareas within the Waterfront District, refer to Chapter 300, Zoning, from the Code of the City of Peekskill.

### **B. Design guidelines for development in Subarea WF-1.**

- (1) Orientation.
  - (a) Uses on this site should take advantage of the riverfront views without significantly altering existing topography on Travis Point such that the vegetation and tree growth is destroyed.

- (2) Building mass and form.
  - (a) Buildings should step down in mass and form so as not to appear monolithic, particularly in the case of a hotel building.
  - (b) The facade should include punched windows, bay windows and balconies.
  - (c) No strip windows are permitted.
  - (d) The roof should be sloped a minimum of 30° and be articulated with dormers.
- (3) Setback.
  - (a) Buildings should be set back at least 100 feet from the water's edge, except a restaurant, clubhouse or marina structure which requires direct water access may be closer, depending upon its use.
- (4) Materials.
  - (a) The building exterior should be constructed of brick, clapboard or stucco. Prefabricated cladding is not allowed.
  - (b) Use of reflective materials is not permitted as the dominant building material.
- (5) Parking.
  - (a) Surface parking or a deck should be placed between any structure and the railroad tracks so that it is not visible from the waterfront.
  - (b) Surface parking should be set back from the water and screened by vegetation so as not to dominate the landscape.

C. [Amended 7-21-1997] Guidelines for development in Subarea WF-2.

- (1) Residential.
  - (a) Orientation.
    - [1] Dwellings should be oriented toward the street and related open spaces in order to take advantage of the views towards the Hudson River.
  - (b) Setback.
    - [1] Buildings should generally be set back 15 feet from the curb. This includes a zone of five feet that allows for porches, balconies and bay windows.
  - (c) Massing and building form.
    - [1] Buildings should relate directly to the street so that the public space is clearly defined by the building mass.

[2] Buildings should maintain a parallel alignment with the street and not zigzag with minor setbacks at each unit.

[3] Buildings should reflect the residential nature of the development and include porches, balconies, bay windows and a sloped roof of 30° to 45° with dormers. Sloped roofs of greater than 50° are not permitted.

[4] Building entries should be from the main street on which the building fronts.

[5] A richness of facade texture should be encouraged through the use of punched windows, deep reveals and marked roof profiles.

(d) Materials.

[1] The exterior should consist of brick and/or clapboard. Prefabricated exterior cladding is not permitted.

[2] Use of metallic or reflective materials is not desired as the dominant building material.

(e) Parking guidelines.

[1] Surface parking should not be visible from the street. Parking may occur behind the building mass or partially under the building (at grade) if it is accessed from the side or the back.

[2] No garage doors are permitted to face onto the street.

(2) Nonresidential; mixed use.

(a) Orientation.

[1] Nonresidential and mixed-use development should be oriented towards the street and/or public space with entries and display area facing the sidewalk.

(b) Setback.

[1] Setbacks should generally be 10 feet from the curb. However, if outdoor eating terraces are proposed, a further setback as necessary is permitted. (Also see § 300-41E (3) (c) for setback requirements.)

(c) Massing and building form.

- [1] Building footprints should reflect a village-like character as depicted in the master plan.
- [2] Each store should have its main entry on the street or public space.
- [3] Buildings located on corners should be articulated with special features such as towers or fenestration.
- [4] The building exterior should be constructed of stone, brick, masonry and/or clapboard.
- [5] The use of reflective materials is not permitted as the dominant building material.
- [6] In general, no prefabricated exterior cladding is allowed. Upon recommendation of the Architectural Review Board, the Planning Commission can waive this requirement.

(d) Parking.

- [1] Parking lots within public spaces such as the proposed green at Central Avenue and Water Street should be appropriately screened from the green acres and should be set back from the street.
- [2] Surface parking lots should be screened from the street low walls and/or hedges in a landscaped buffer five to 10 feet wide.

D. Guidelines for development in subarea WF-PRD.

(1) Orientation.

- (a) The main convent building and chapel should be retained and rehabilitated for the existing convent, housing or hotel use.
- (b) New housing should restrict itself to the flatter parts of the site such that the vegetation and steep slopes are not disturbed.

(2) Setback.

- (a) The sloped area to the north of the convent chapel should be preserved as a grassy lawn.
- (b) Housing along South Street should maintain a setback of 50 feet from the road with vegetation and trees preserved as buffer.

- (3) Massing and building form.
  - (a) The existing convent building to be rehabilitated may be modified with bay windows, balconies and other elements in keeping with its scale and style.
  - (b) It should, however, remain as the most dominant building on the site in terms of height and mass.
  - (c) New buildings on the old orphanage site east of the existing convent building should present an attractive front towards the grassy lawn and Railroad Avenue below.
  - (d) Any parking deck should be built into the slope of the land such that it is not prominently visible from Railroad Avenue.
- (4) Materials.
  - (a) Exterior materials that are typical to the historic character of the Hudson Valley are favored. The preferred materials for buildings on the site are brick and/or clapboard or stucco. Aluminum or vinyl siding shall not be utilized.
  - (b) Use of metallic or reflective materials is not permitted as the dominant building material.
- (5) Parking.
  - (a) Large areas of the site should not be cleared for surface parking.
  - (b) All parking should be accommodated as close to the units as possible or within the building envelope.
  - (c) Deck parking should be kept low (i.e., one level) and unobtrusive.
  - (d) Surface or deck parking on the convent property should not be visible from the Waterfront Park or Travis Point.



**Appendix A - 2**

**Local Waterfront Revitalization Program Consistency Law**

**Approved by the City of Peekskill Common Council  
on January 26, 2004 as Local Law No. 2**



**CITY OF PEEKSKILL**

**Local Law No. 2 Of 2004**

**LOCAL WATERFRONT REVITALIZATION  
PROGRAM (LWRP)**

**CONSISTENCY LAW**

***Section 1 – Title***

The Local Law will be known as the “City of Peekskill Local Waterfront Revitalization Program (LWRP) Consistency Law.”

***Section 2 – Authority and Purpose***

- A. This local law is adopted under the Municipal Home Rule Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this Local Law is to:
  - a. Implement consistency review regulations and procedures for the City of Peekskill Local Waterfront Revitalization Program (LWRP).
  - b. Provide agencies of the City of Peekskill with a framework to consider the policies and purposes contained in the LWRP when reviewing private applications for actions or direct agency actions located within the LWRP boundaries which are:

“Beginning at a point where the City of Peekskill/Town of Cortlandt boundary intersects with the mean high water line of the Hudson River, generally northeasterly along the City/Town boundary to where the City/Town boundary intersects with a line along the southeast bank of Peekskill Hollow Brook along the line of the 100-year flood or 100 feet back from the bank, whichever is greater; then downstream on a similar line on the other side to Union Church/Annsville Road to its intersection with Highland Avenue; then southeasterly on Highland Avenue to the Bear Mountain Parkway to the western most exit on Highland Avenue to the intersection of Highland Avenue and

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Pemart Avenue; then west along Pemart Avenue to Nelson Avenue; then south on Nelson Avenue to Phoenix Avenue; then west on Phoenix Avenue to Decatur Street; then south on Decatur Street to Paulding Street; then west on Paulding Street (Belden Street) to St. Mary's Street; then south on St. Mary's Street to John Street; then east on John Street to Spring Street; then south on Spring Street to Main Street; then easterly on Main Street to Nelson Avenue; then southerly on Nelson Avenue to South Street; then westerly and southwesterly along South Street and the South Street exit of US Route 9 to US Route 9; then southerly on US Route 9 to the southern boundary of the City of Peekskill; then generally northwesterly along the City of Peekskill/Town of Cortlandt boundary to a point where the City/Town boundary intersects with the mean high water line of the Hudson River.

The waterside boundary begins at a point where the City of Peekskill/Town of Cortlandt boundary intersects with the mean high water line of the Hudson River then northwest to the centerline of the Hudson River; then northerly along the centerline of the River that coincides with the Westchester County/Rockland County boundary to a point where the northern boundary of the City of Peekskill intersects the centerline of the Hudson River; then northeast to a point where the City of Peekskill/Town of Cortlandt boundary intersects the mean high water line of the Hudson River.”

- a. Assure that proposed private and direct actions are consistent with the said policies and purposes of the LWRP.
- B. It is the intention of the City of Peekskill that the preservation, enhancement, and utilization of the natural and manmade resources of the unique coastal area of the City of Peekskill take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this local law is intended to achieve such a balance permitting the beneficial use of coastal resources while preventing loss of living coastal resources; diminution of open space area or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

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- C. The substantive provisions of this local law shall apply while there is in existence a City of Peekskill Local Waterfront revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

Section 3 – Applicability

All private applicants and all boards, commissions, agencies, departments, offices, other bodies or officers of the City of Peekskill must comply with this law to the extent applicable, prior to carrying out, approving, or finding any Type I or Unlisted Action as those terms are defined below. Type II, Excluded or Exempt Actions as defined in 6 NYCRR Section 617.2 are hereby deemed consistent with the LWRP and do not require any further deliberation.

Section 4 – Definitions

As used in this article, the following terms shall have these meanings, as indicated:

- A. “Actions” mean either Type I or Unlisted Actions as defined in SEQRA Regulations which are undertaken by an agency and which include:
- a. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource of structure, that:
    - i. Are directly undertaken by an agency; of
    - ii. Involve funding by an agency ; or
    - iii. Require one or more new or modified approvals from an agency or agencies;
  - b. Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
  - c. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
  - d. Any combinations of the above.

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- B. “Agency” means any department, board, commission, council, or other agency of the City of Peekskill which has jurisdiction by law to approve or directly undertake a given action.
- C. “Certification of Determination” means a notice prepared by the Department of Planning, Development and Code Assistance or other appropriate agency and filed with the Clerk of the City of Peekskill, which notice shall contain:
  - a. A statement specifying whether the proposed action is or is not consistent to the maximum extent practicable with the policies of the LWRP; and
  - b. A brief statement and precise description of the nature, extent and location of the action; and
  - c. A brief statement of the reasons supporting the determination.
- D. “City” means the City of Peekskill.
- E. “Common Council” means the Common Council of the City of Peekskill.
- F. “Coastal Assessment Form (CAF)” means the form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.
- G. “Consistent” means that the action will fully comply with the LWRP policy standards and conditions, and whenever practicable, will advance one or more of them.
- H. “Direct Actions” means actions planned and proposed for implementation by an agency, such as, but not limited to a capital project, rule making, procedures making and policy making.
- I. “EAF” means Environmental Assessment Form.
- J. “EIS” means Environmental Impact Statement.
- K. “Excluded Action” means an action which was undertaken, funded or approved prior to the effective dates set forth in SEQRA.
- L. “Exempt Action” means any one of the following:
  - a. Enforcement or criminal proceedings or the exercise of prosecutorial discretion in determining whether or not to institute such proceedings;

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- b. A ministerial act which means an action performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgment or discretion as to the propriety of the action, such as the granting of a driver's license, although such law may require to a limited degree, a construction of its language or intent;
  - c. Maintenance or repair involving no substantial changes in an existing structure or facility; and
  - d. With respect to the requirements of Subdivision 2 of Section 8 -0109 of SEQRA, actions requiring a certificate of environmental compatibility and public need under Article VII or VIII of the Public Service Law and the consideration of, granting or denial of any such certificate.
- M. "Lead Agency" means an agency principally responsible for carrying out, funding, or approving an action and therefore responsible for determining whether an EIS is required in connection with the action and for causing the preparation and filing of the EIS if one is required.
- N. "Local Waterfront Area (LWA)" means "Coastal Area" means a portion of the New York State coastal waters and adjacent shore lands as defined Article 42 of the Executive Law which is located within boundaries of the City of Peekskill, as shown on the Coastal Area map on file in the Office of the Secretary of State and as delineated in the City of Peekskill Local Waterfront Revitalization Program.
- O. "Local Waterfront Revitalization Program (LWRP)" means the City of Peekskill Local Waterfront Revitalization Program, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file on the Office of the Clerk of the City of Peekskill.

Section 5 – Review of Actions

- A. Responsibility for determining the consistency of actions:
- a. Common Council: determines consistency with the LWRP of: 1. those actions which require Common Council approval, including special permits and zoning changes, and 2. any remaining local agency actions which are not the responsibility of the Planning Commission or the Zoning Board of Appeals as described below.
  - b. Planning Commission: determines consistency with the LWRP of those actions which require Planning Commission approval, including

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special permits, site plans and subdivision plans for proposed developments.

- c. Zoning Board of Appeals: determines consistency with the LWRP of those actions which require Zoning Board of Appeals approval, including use and area variances.
- d. Other local agencies: refer actions to be reviewed for LWRP consistency, along with Coastal Assessment Forms, to the Common Council.

B. Commencement of Review:

Each agency proposing to review or undertake a Type I or Unlisted Action in the Local Waterfront Area shall prepare or shall cause an applicant to prepare a Coastal Assessment Form (CAF). The agency shall refer within ten (10) days the CAF and other pertinent information for the action to the City of Peekskill Department of Planning, Development, and Code Assistance (DPDCA) for review and recommendations regarding the action's consistency with policies and purpose of the LWRP. The DPDCA shall complete its review of the proposed action's consistency and prepare a written recommendation to the referring agency within thirty (30) days of the referral date.

C. Determination of Consistency:

Prior to a City Agency's undertaking or approving a proposed Type I or Unlisted Action in the Local Waterfront Area the DPDCA shall either:

- A. Find and certify in writing that the action will not substantially hinder the achievement of any of the policies and purposes of the LWRP; or
- B. If the action will substantially hinder the achievements of any policies and purpose of the LWRP, such action shall not be undertaken unless the DPDCA shall instead find and certify that the following three requirements are satisfied:
  - a. No reasonable alternatives exist which would permit that action to be taken in a manner, which would not substantially hinder the achievement of such policy or purpose;
  - b. The action taken would minimize all adverse effects on the local policy and purpose to the maximum extent practicable; and
  - c. The action will result in an overriding public benefit.

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Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP.

- C. Such certification that a project is consistent to the maximum extent practicable with the policies and purposes of the LWRP shall be made only:
- a. Following a determination pursuant to Section 6 or 7 of Part 617 that the proposed action will not have any significant adverse environmental impacts; and, if referred to the Department of Planning, Development and Code Assistance for review and recommendation pursuant to Section of the local law, either upon receipt of such recommendation in writing or after the lapse of thirty (30) days for the recommendations, or
  - b. As part of the findings prepared by that City agency pursuant to Section of part 617, if the proposed action has been determined to have significant adverse environmental impacts and made subject to the environmental impact statement (EIS) procedures of Section 8 of Part 617, or
  - c. Where certification is made as part of findings prepared pursuant to NYCRR 617.9 (i.e., where Section 8C2. applies) it shall be filed with the SEQRA findings of that section. Otherwise it shall be filed with the City Clerk before the action is taken. Such files shall be made available for public inspection upon request.

*Section 6 – Policy Standards and Conditions*

Actions to be undertaken shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which is on file in the City Clerk's Office and available for inspection during normal business hours. In the case of direct actions, the responsible board shall also consult with Section III of the LWRP in making its consistency determination. The action shall be consistent with the policy to:

- A. Policy 1: restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.
- B. Policy 1a: promote a physical, economic and cultural link between the Central Business District (CDB) [Business Improvement District (BID)] and the Hudson River, by

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- encouraging landscaping, facade improvements and the development of attractive pedestrian ways and publicly-oriented space.
- C. Policy 1b: promote the continued redevelopment of the Charles Point portion of the southern planning area with commercial and light industrial uses, and where feasible, with water dependent and water enhanced uses for parcels abutting the Hudson River.
  - D. Policy 1c: encourage redevelopment of the St. Mary's property and St. Joseph's property for residential and other related uses and support in-fill and conversion of existing buildings in residential neighborhoods.
  - E. Policy 2: facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.
  - F. Policy 2a: water-dependent uses and activities of a recreational or commercial nature will be encouraged on water abutting parcels, especially in the Charles Point Industrial Park and in the Central Planning Area in the vicinity of Riverfront Green, particularly on the following sites, Resource Recovery Plant at Charles Point, Pier at Riverfront Green, Peekskill Yacht Club, and the former Hudson Valley Yacht Club site.
  - G. Policy 3: further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities of land use and development which is essential to or in support of waterborne transportation of cargo and people.
  - H. Policy 4: strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.
  - I. Policy 5: encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

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- J. Policy 6: expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
- K. Policy 7: significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.
- L. Policy 7a: fish and wildlife habitats of local importance Are of value to the city and its natural resource Inventory and shall be protected, preserved and, where practical, restored so as to maintain their viability.
- M. Policy 8: protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which causes significant sub-lethal or lethal effect on those resources.
- N. Policy 9: expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources. Such efforts shall be made in a manner that ensures the protection of renewable fish and wildlife Resources and considers other activities dependent on them.
- O. Policy 10: further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.
- P. 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.
- Q. Policy 12: activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their

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natural protective capacity.

- R. Policy 13: the construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
- S. 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.
- T. 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.
- U. 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.
- V. Policy 17: whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such non structural measures shall include: (i) the set back of buildings and structures outside the flood hazard area; (ii) the planting of vegetation and the installation of sand fencing; (iii) the reshaping of bluffs; and (iv) tie flood-proofing of buildings or their elevation above the base flood level.
- W. 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.

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- X. 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 in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.
  
- Y. Policy 19a: improve pedestrian and vehicular access to Riverfront Green, Peekskill Landing, the Peekskill Yacht Club area and waterborne and pedestrian access to the Annsville Creek area as appropriate. Also, improve Central Avenue as a link between the waterfront and the Central Business District.
  
- Z. Policy 19b: new structures shall not decrease public access to the water. New structures shall not infringe upon existing public access points leading to the water in a manner that will decrease public awareness of said access points.
  
- AA. Policy 19c: due to its topography, which provides sweeping and unique views of Peekskill Bay and the Hudson Highlands, public access across the St. Joseph's landform would be a desirable extension of the City's Greenway Trail System.
  
- BB. Policy 19d: efforts to increase public access will be carefully considered during site plan review and special use permit review for all properties in the coastal zone. These efforts shall include but not be limited to, the provision of trails and easements for future access connecting to existing and future components in the City's trail system.
  
- CC. 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.
  
- DD. Policy 21: water-dependent and water-enhanced recreation will be encouraged and facilitated, and will 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

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the coast can be provided by new or existing transportation services and to those areas where the use of the shore is severely restricted by existing development.

EE. Policy 22: development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

FF. Policy 23: protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities, or the nation.

GG. Policy 24: prevent impairment of scenic resources of statewide Significance, as identified on the Coastal Area Map. Impairment shall include: (i) the irreversible modification of geologic forms, vegetation, or structures, whenever they are significant to the scenic quality of an identified resource; and (ii) the addition of structures that because of sitting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource, such as the Hudson highlands scenic area of statewide significance.

HH. Policy 25: protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

II. Policy 26: to conserve and protect agricultural lands in the state's coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands, as identified on the coastal area map, if that loss or impairment would adversely affect the viability of agriculture in an agricultural district or if there is no agricultural district, in the area surrounding such lands.

JJ. Policy 27: decisions on the sitting 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.

KK. Policy 27a: decisions on the sitting and construction of major regional water dependent energy facilities in the Peekskill Coastal Area must evaluate the potential cumulative impacts associated with pre-existing facilities such as Indian Point Nuclear

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**Power Plant located in the Village of Buchanan, the bowline plant located in the Town of Haverstraw, and the Lovett Plant located in the Town of Stony Point.**

- LL. 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.**
  
- MM. Policy 29: encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.**
  
- NN. Policy 30: municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.**
  
- OO. 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.**
  
- PP. Policy 32: encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.**
  
- QQ. Policy 33: best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.**
  
- RR. 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.**

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SS. Policy 34a: pumpout facilities will be required in all new or expanded marina development in order to minimize or eliminate the discharge into the Hudson River, of sewage from the growing boat population at the Peekskill waterfront.

TT. Policy 35: dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

UU. 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.

VV. Policy 37: best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

WW. Policy 38: the quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

XX. Policy 39: the transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

YY. Policy 40: effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

ZZ. Policy 41: land use or development in the coastal area will not cause national or state air quality Standards to be violated.

AAA. Policy 42: coastal management policies will be considered if the state

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reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

**BBB. 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.

**CCC. Policy 44:** preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

**Section 7 – Coordinated Review**

The Planning Commission shall coordinate the consistency determination process required by this local law with the environmental review process required by SEQRA and 6 NYCRR Part 617, to the extent possible.

**Section 8 - Enforcement**

The City of Peekskill Building Inspector shall be responsible for enforcing this law. No action in the Coastal Area, which is subject to review under this law shall be commenced or undertaken until the Building Inspector has been presented with a written Certificate of Consistency from the responsible board and/or commission. Such certificate must state that the action is consistent with the City's LWRP policy standards and conditions in accordance with Section – of this Law. In the event that an activity is not being performed in accordance with this law or any conditions imposed hereunder, the Building Inspector shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

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Section 9 - Violations

A person who violates any of the provisions of, or who fails to comply with any conditions imposed by this law shall be guilty of a violation, punishable by a fine not exceeding five hundred dollars for a conviction of a first offense and punishable by a fine of one thousand dollars for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

Section 10 – Laws to govern

Where there is a conflict or discrepancy in the application, interpretation or effect of the provisions of this local law with any other law, ordinance, rule, regulation, or policy of the City of Peekskill, the provisions of this law shall govern.

Section 11 - Severability

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part of provisions hereof other than the provision so found to be valid.

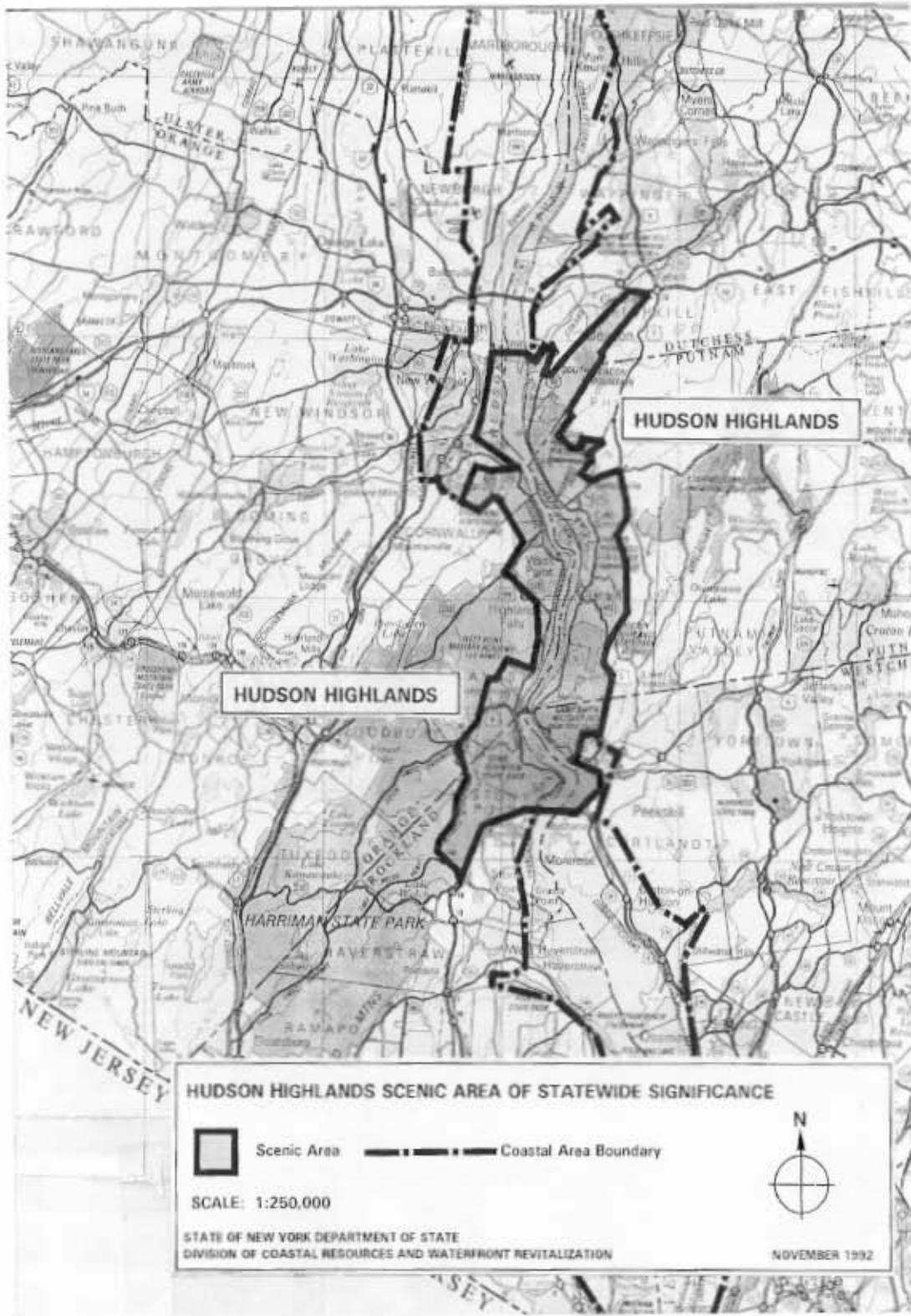
Section 12 – Effective Date

This local law shall take effect immediately upon approval of the City of Peekskill Local Waterfront Revitalization Program by the New York State Secretary of State.



**Appendix A-3**

**HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE  
SIGNIFICANCE**



HUDSON HIGHLANDS

HUDSON HIGHLANDS

**HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE**

Scenic Area
  Coastal Area Boundary

SCALE: 1:250,000

STATE OF NEW YORK DEPARTMENT OF STATE  
DIVISION OF COASTAL RESOURCES AND WATERFRONT REVITALIZATION

NOVEMBER 1992

## **HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **I. LOCATION**

The Hudson Highlands Scenic Area of Statewide Significance (SASS) encompasses a twenty mile stretch of the Hudson River and its shorelands and varies in width from approximately 1 to 6 miles. The SASS includes the Hudson River and its east and west shorelands. It extends from its northern boundary, which runs from the northern tip of Scofield Ridge, Denning Point and the base of Storm King Mountain to its southern boundary at Roa Hook and the southern limits of the Bear Mountain State Park. At the SASS's northern and southern extremes, the SASS extends across the Hudson River to the mean high tide line on the opposite shoreline.

The Hudson Highlands SASS is located within the City of Newburgh, the Town of New Windsor, the Town of Cornwall, the Town of Highlands, the Village of Cornwall-on-the-Hudson and the Village of Highland Falls, Orange County; the Town of Stony Point, Rockland County; the City of Peekskill, the Town of Cortlandt and the Village of Buchanan, Westchester County; the Town of Philipstown, the Village of Nelsonville and the Village of Cold Spring, Putnam County; and the Town of Fishkill and the City of Beacon, Dutchess County.

The Hudson Highlands SASS is comprised of 28 subunits:

HH-1 Cornwall Hillside Estates; HH-2 Storm King; HH-3 Contemporary West Point Military Academy; HH-4 West Point Military Academy; HH-5 Highlands; HH-6 Highland Falls; HH-7 Con Hook; HH-8 Fort Montgomery; HH-9 Brooks Lake; HH-10 Hessian Lake; HH-11 Bear Mountain State Park; HH-12 Iona Island Marsh; HH-13 Iona Island; HH-14 Jones Point; HH-15 Wallace Pond; HH-16 Anthony's Nose; HH-17 Manitou; HH-18 Manitou Marsh; HH-19 Garrison Landing; HH-20 Garrison Four Corners; HH-21 Fort Hill; HH-22 Nelson Corners; HH-23 Constitution Marsh; HH-24 Constitution Island; HH-25 Cold Spring; HH-26 Hudson Highlands State Park; HH-27 Dutchess Junction; HH-28 Pollepel Island.

Refer to the Hudson Highlands SASS Map for the SASS boundary.

## **II. DESCRIPTION**

The Hudson Highlands SASS is a highly scenic and valued region of the Hudson River Valley, rich in natural beauty, cultural and historical features.

The Hudson Highlands are part of the Reading Prong of the New England Upland, a division of the Appalachian Highlands. This is composed almost entirely of Precambrian igneous and metamorphic rocks and forms a low, rugged mountain range, underlain by some of the oldest rocks in the eastern United States, over one billion years old. The area exhibits a very complex geological record, with several cycles of crustal movement, metamorphism, igneous intrusion, folding and faulting, sedimentation and erosion.

The highest elevation and the most spectacular relief in the SASS occurs at the northern gateway to the Hudson Highlands. This comprises Storm King and Crows Nest to the west and Breakneck Ridge, the Beacons and Bull Hill to the east. The southern gateway is formed by the peaks of the Bear Mountain State Park to the west, including Dunderberg and Bear Mountain, and Manitou Mountain and Anthony's Nose to the east.

The Hudson River has carved a spectacular gorge through the Hudson Highlands. The river seems to have followed three distinct fault lines, exploited structurally weak zones and the general north-east trend of the rock formations and has been modified by glacial action to arrive at its current course, one that shows a high degree of integration into the geological structure of the area.

Between Storm King and Breakneck Ridge, where the high peaks drop straight to the water, the Hudson River corridor is a fjord, deepened by glacial action and filled by the rising sea as the ice melted. This landscape feature is unique in New York State and very rare in the eastern United States. Off Gees Point at West Point, the Hudson River is 202 feet deep. This part of the Hudson is known as World's End and is the deepest point on the river.

The present shoreline configuration includes steep cliffs, bluffs, and gently sloping banks. Several promontories jut into the Hudson, forming bends in the river which mirror the underlying topography. The original channel of the Hudson River, following a fault zone, was established east of Constitution Island and west of Iona Island. Later, glacial ice, unable to follow the sharp turns, carved new channels, leaving the two islands as topographic features in the river. There are a number of coves and tributaries where streams such as Indian Brook, Doodletown Brook, Popolopen Brook and the Fishkill Creek converge with the Hudson River. At these locations the shoreline features an estuary rich in wetlands, tidal mudflats and shallows.

Variations in bedrock composition exist between the east and west shorelands of the SASS, resulting in differential erosion, varying weathering patterns and discoloration of the rock surface. The roundness of many of the Highland summits is due to erosion. The flanks of the mountains are buried beneath sedimentary deposits, while the clefts and valleys have been filled with glacial till. The rolling upland valleys contain numerous wetlands, mountain streams, ponds and lakes, such as Wallace Pond, Lake Alice, the Melzingah and Beacon Reservoirs and Gordons Brook.

An extensive vegetative cover of mature woodlands of mixed deciduous and coniferous trees dominates all but the steepest of mountain slopes. On the lower slopes and lowland plateaus the dense woodland coverage gives way to a combination of mixed woodlands and clearings comprised of farmsteads, open pasture and meadows and landscaped estates with formal gardens and sweeping lawns. Small hamlets and villages are situated in the lowland valleys and plateaus, nestling into the woodlands and featuring mature street landscaping. The shoreline vegetation includes wooded banks, bluffs and cliffs and the wetland vegetation of Constitution Marsh, Manitou Marsh and Iona Marsh.

The settlement and transportation patterns of the Highlands are heavily influenced by the area's topography, respecting the natural features in their layout and location. Settlements are limited to the lowland plateaus and lower hillsides and appear tightly clustered within the landscape. Large historic estates are located throughout the SASS, taking advantage of the spectacular views from the hillsides above the hamlets. More recent residential and commercial development shows less respect for the topography of the area. Subdivision of farmsteads and estates and commercial strip development along major highways has resulted in a dispersal of the settlement pattern, leading to an increasing suburbanization of the Hudson Highlands.

Railroads hug the shoreline of the Hudson River and roads follow the hillside contours and inland valleys. There are two military sites within the SASS, the undeveloped parts of the Camp Smith Military Reservation and the United States Military Academy at West Point, both with extensive areas of open space. The present-day land use pattern of the Hudson Highlands is dominated by State parkland, preserving much of the open space of the SASS for its aesthetic, recreational and natural resource values. This has resulted in a land use pattern of formal and informal recreational facilities, nature reserves and "wilderness".

The Hudson Highlands have long been significant in the culture and history of both the State of New York and the United States. The area came to prominence when Henry Hudson explored the region in 1609, and the ship's log describes the spectacular landscape. Since that time the area has been perceived as a unique environment with outstanding scenic, cultural and historic resources. The present day landscape of the Hudson Highlands SASS owes a great deal to its cultural and historical development since the 17th

century. This is particularly evident in the land use and settlement pattern and in the development of the State park system in the area.

Early settlement and economic development of the Hudson Valley during the pre-Revolutionary War period bypassed the rugged mountainous landscape of the Hudson Highlands for the more attractive and easily developable fertile land located to the north and west. During this period the development of settlements in the Highlands was affected by the political and administrative system of Dutch and English colonial government, the series of manorial grants and patents, difficulties in transportation and the rugged, forested topography and narrow marsh-bounded shoreline. These factors combined to hold in check the spread of small settlements and occupation of land by all but a few lords of the manor and hardy yeoman farmers.

By the time of the Revolutionary War there were some family farms in the uplands and small settlements based around sawmill operations at Highland Falls and Cornwall. Development of military facilities led to a clearing of the woodlands. The decision to fortify the Hudson Highlands, taken in 1775, resulted in the eventual construction of forts on Constitution Island, at Fort Montgomery and Fort Clinton on either side of the Popolopen Creek and at Fort Putnam above West Point; numerous roundouts; chains and chevaux-de-frises across the Hudson River; and improved transportation and communication facilities.

The strategic value of the Hudson Highlands was the main reason for the development of the military facilities and its key role as a theater of battle during the Revolutionary War. The landscape offered natural opportunities for protection of the increasingly important commercial use of the Hudson River as a transportation corridor to the interior of the north-eastern United States. Two major campaigns for control of the Hudson River were centered on the Hudson Highlands during the war.

The American Revolution and the immediate succeeding years provided a stimulus to settlement and trade in the Highlands. Gradually a pattern of rural activity was established, based around the expansion of the United States Military Academy at West Point, quarrying, shipbuilding and iron manufacturing. The lowlands alongside the Hudson proved viable for farming, and clearing of the landscape continued. Growth concentrated on the lower plains, associated with road connections and ferry crossings, while the uplands remained free of settlement. Cold Spring grew around the West Point Foundry into a thriving industrial village.

By the mid-19th century transportation improvements opened up more of the Hudson Valley through steamboat, railroad and improved turnpikes. With increased accessibility the Highlands became attractive to the wealthy, and opulent estates and large hotels and

resorts were developed on the hillsides overlooking the Hudson River. Agricultural land became more a part of a designed landscape than a working landscape as "gentlemen farmers" moved in, while the pastoral landscape provided a backdrop for recreation to both the rich and the urban masses. Recreational facilities varied from picnic grounds, public beaches and pleasure grounds for day-trippers to hotels and resorts for the wealthy. These trends capitalized on the taste for picturesque environments which ran through the 19th century.

As development pressure intensified at the turn of the 20th century, a preservation movement became established in the lower Hudson Valley. Starting with the concern over the impacts of quarrying on the Palisades, this movement culminated with the establishment of the Palisades Interstate Park Commission (PIPC) in 1900 and the designation and acquisition of much of the western shore of the lower Hudson for recreation.

In 1909 the Highlands west of the Hudson were brought into the jurisdiction of the PIPC. Their inclusion came about as a result of a move by the New York State Prison Authority to develop facilities near Bear Mountain and the accompanying public outcry at the inappropriateness of such a use in a scenic area with great recreational potential. At this time the State received a gift of 10,000 acres of land from the Harrimans, who owned the southwestern part of the Hudson Highlands, with the condition that the prison proposal be abandoned and that the area between the Harriman property and the Hudson River be secured for park land. In 1910 the prison proposal was abandoned, and over the next decades further acquisition by the State filled in the gaps of the Harriman and Bear Mountain State Parks and moved northward to Storm King.

Further action by conservation groups, again opposed to the impact of quarrying, led to the protection of the eastern Highlands through the creation of the Hudson Highlands State Park. More recently the Hudson Highlands became a landmark of the environmental movement of the late 1960's when Storm King became the proposed site for a pump storage electric generation station. This was defeated after a long battle because of potential impacts on the scenic and ecological values of the area, resulting in the proposed 500 acre site being donated for park use as the Storm King State Park.

As the 20th century progressed, many of the farms, resorts and estates have succumbed to development pressure and have been abandoned to natural regeneration, replaced with institutional use or developed through subdivision. Much of the development pressure has been related to the proximity of the area to New York City, direct rail access and to the major improvements in road accessibility with the opening of the Bear Mountain Bridge, the Storm King Highway, the Bear Mountain-Beacon Highway, the Bear Mountain Bridge Road and the Palisades Interstate Parkway. These roads also increased the accessibility of the area for recreation visitors.

The physical character and cultural and historical development of the Hudson Highlands has resulted in the current settlement and land use patterns, and led to the present day landscape and architectural character. This includes historic settlements on the low coastal plain, dispersed estates and new development on the hillsides above the coastal plain, and a patchwork of public and private open spaces including agricultural land, forest and woodland, and formal and informal recreation areas at the Hudson Highlands, Bear Mountain, and Storm King State Parks. The New York State Military Reservation, known as Camp Smith, occupies most of the SASS located in Westchester County, generally preserving the wooded landscape character.

In the eastern Highlands the Town of Philipstown contains numerous historic estates, farmsteads, the hamlet of Garrison and the well-preserved historic waterfront of the Village of Cold Spring. On the western side two historic communities, Highland Falls and Fort Montgomery, have generally maintained their historic pattern of tightly clustered structures surrounded by dramatic wooded hillsides. The SASS also includes numerous historic structures including Castle Rock, Eagle's Rest, Dick's Castle, and Boscobel. The Bear Mountain Bridge, Popolopen Bridge, Palisades Parkway, and Storm King Highway are all examples of engineering design which complement the natural formation of the landscape.

At the United States Military Academy at West Point, the landform creates a natural strategic fortress for controlling passage and protecting commercial traffic on the Hudson River, a major water transportation corridor. The granite structures of the military academy appear to grow directly from and reflect the character of the rocky cliffs. The restored remains of the historic Fort Putnam overlook West Point.

The Hudson Highlands SASS is a landscape rich in symbolic value and meaning, resulting from historic events, folklore, art and literature, and influencing public perception of the area. The area was at the center of the romantic movement that began before the Civil War and became a pervasive movement that affected all aspects of art and society in the region, including architecture, literature, painting, recreation and tourism. This has led to a continuum of environmental and scenic appreciation concerned with the Hudson Highlands that runs through the last two centuries.

The history and nostalgia associated with the Revolutionary War and the role of the Hudson Highlands as a central theater of battle has given the area prominence, with many writers documenting the events of the war. Early writers described the development and landscape of the area through historical and geological association, with an overriding romantic and picturesque feel for the scenery of the Highlands. This often created an historical-romantic landscape, drawing on the folklore of the lower Hudson Valley and exaggerating the aesthetic drama of the natural landscape. This romanticism can be seen in the design of many of the remaining historic structures and the formal landscapes of the

estates that dot the slopes of the eastern Highlands, taking advantage of views of the dramatic and wild western shore.

The ultimate expression of this romanticism over the Hudson Highlands came through the Hudson River School of landscape painters and the Knickerbocker writers. The area was interpreted for the nation with a sense of wildness balanced with a more subdued pastoral feel by the likes of artists Thomas Cole, Frederic Church, Asher B. Durand and David Johnson and writers Washington Irving, James Fenimore Cooper and N.P. Willis. Storm King Mountain was a favorite subject. The work of these painters and writers instilled a sense of pride and an understanding of the value of landscape aesthetics associated with the features of the entire Hudson Valley, including the Highlands. This appreciation for the scenic value of the Hudson Highlands continues to this day and can be seen in the continued presence of a conservation and recreation ethic in the Hudson Valley.

### **III. AESTHETIC SIGNIFICANCE**

The Hudson Highlands SASS is of statewide aesthetic significance by virtue of the combined aesthetic values of landscape character, uniqueness, public accessibility and public recognition.

There exists in the SASS unusual variety as well as unity of major components and striking contrasts between scenic elements. The SASS is generally free of discordant features. The scenic quality of the Hudson Highlands SASS is significant based on the existence of the following physical and cultural characteristics.

#### **A. Landscape Character**

##### **1. Variety**

The Hudson Highlands SASS exhibits an unusual variety of major components. The main variety lies in the topography. The SASS is dominated by a low, rugged mountain range, split by the narrow and deep fjord-like passage of the Hudson River. Within the mountain range are numerous individual peaks of various heights, separated by rolling, upland valleys which feature mountain lakes, ponds, wetlands and streams. The shoreline configuration in the Highlands varies from steep cliffs and bluffs that plunge from peak to shore to gently sloping banks and low, narrow coastal plains. Coves, creeks, wetlands, tidal flats and shallows found where tributaries converge on the Hudson further shape the shoreline.

Variety also exists in vegetation coverage. Dense and mature mixed woodlands on the uplands give way to a combination of mixed woodlands, farmsteads, pastures and meadows and landscaped estates on the lower slopes and lowlands. A rich and varied wetland vegetation is found along the shoreline of the Hudson River and its coves and creeks.

The land use pattern varies considerably within the SASS. There are a number of compact historic settlements located on the lowland coastal plains, surrounded by a mix of woodlands, farmsteads, landscaped estates and more recent development on the lower slopes. A mixture of private estates, recreation facilities and State and federal military reservations are scattered through the wooded uplands. The architectural style of the many historic estates and buildings varies considerably throughout the scenic area. This reflects the tastes of individual landowners, the long history of development in the region and the longstanding picturesque movement in the Hudson Highlands.

## **2. Unity**

The Hudson Highlands SASS is unified by its topography. While internally the individual landform components vary, the SASS is a coherent geological feature, part of the Reading Prong of the New England Upland, a division of the Appalachian Highlands. This upland landform creates a distinctive low mountain range running northeast-southwest across the coastal area of the Hudson River. The vegetation, dominated by mature, mixed woodland, unifies the various landforms from the mountain peaks, through the lower slopes and lowland plains to the shoreline. The presence of the Hudson River is a unifying theme, shaping the physical topography, influencing cultural patterns and constituting a common scenic element central to the Hudson Highlands.

## **3. Contrast**

There are many striking contrasts among the basic scenic elements in the Hudson Highlands SASS. The contrasts in topography and landform consists mainly of contrast in line and form. The rolling peaks contrast with the steep rugged rock faces of the bluffs and cliffs. The shoreline configuration of these bluffs and cliffs contrasts with the gentle banks and lowland plains and with the creeks and coves. The Hudson River varies in width and depth, and its currents create varying patterns, contrasting with the surrounding uplands.

There are many textural and color contrasts within the SASS, mostly associated with vegetation and geology. The dense wooded areas contrast with the open meadows and the formal landscape estates which in turn contrast with the wetland vegetation of the coves and creeks. This provides contrasting textures in the landscape composition and rich color

contrasts both between vegetation types and, over time, color changes within the seasons. The rock composition varies within the SASS, resulting in many contrasts in surface features, textures and colors, as the natural form is impacted by geomorphological processes such as metamorphism, erosion and weathering and deposition. The contrast between the colors and texture of the water surface of the Hudson River and the surrounding vegetation and rock composition creates many and varied effects.

Certain contrasts of a more ephemeral nature are to be found in the SASS. The dramatic effects of varying weather conditions enhance the aesthetic character of the landscape composition as storms, cloud formations, snow, mists, fog and the varying level and direction of sunlight all provide contrasts in line, shape, texture and color, enhancing the contrasts to be found in the area. The speed and pattern of flow of the Hudson contrast with the creeks and coves and vary with the seasons and weather conditions, providing contrasts in texture and color.

#### **4. Freedom from Discordant Features**

The Hudson Highlands SASS is generally well-preserved and free of discordant features. The settlement and transportation patterns are heavily influenced by and respect the topography of the Highlands. The settlements are limited to the lowland plateaus and lower hillsides and are tightly clustered within the landscape. More recent residential and commercial development has taken place through subdivision of farmsteads and estates and along major highways with less respect for the topography of the area, resulting in a dispersal of the settlement pattern and leading to an increasing suburbanization of the Highlands. Railroads hug the shoreline, and roads follow the contours of the Highlands. The Bear Mountain Bridge, Popolopen Bridge, Palisades Parkway, and Storm King Highway are examples of engineering design which complement the natural formation of the landscape, adding to the value of the landscape rather than being discordant features. The physical and cultural components of the SASS are generally well maintained.

#### **B. Uniqueness**

The Hudson Highlands SASS is unique in New York State. The Hudson Highlands are composed of some of the oldest rocks in New York State, dating from the Pre-Cambrian era. Between Storm King and Breakneck Ridge, where the high peaks drop straight to the water, the Hudson River corridor is a fjord, deepened by glacial action and filled by the sea as the ice melted. This low, rugged mountain range split by the Hudson River corridor is a landscape feature not found anywhere else in New York's coastal area and is very rare in the eastern United States. The significant strategic role of the area during the American Revolution gives the Hudson Highlands a unique place in the nation's history.

### **C. Public Accessibility**

The Hudson Highlands SASS has a high degree of public access. Much of the riverside land on the western banks of the Hudson River is in public ownership and provides physical and visual access to the Hudson River, its shoreline and the inland mountain peaks. Public access areas include Storm King State Park, Harriman State Park and Bear Mountain State Park. Public access is available in limited areas of the United States Military Academy at West Point. Similarly there is a considerable amount of public access on the eastern shore in the Hudson Highlands State Park. This park is a combination of many separate parcels and includes riverfront land and dramatic and undeveloped mountain peaks reaching elevations of 1500 feet.

Three recent purchases in the Hudson Highlands SASS by two regional not-for-profit organizations concerned with open space preservation and the promotion of public access may increase public access in the near future. Scenic Hudson and the Open Space Institute combined to purchase Mystery Point, located in the viewshed of the Bear Mountain Bridge, while the Open Space Institute has purchased land at North Redout and Arden Point in Garrison. Part of the latter site has been acquired from the Open Space Institute by the State of New York and will be added to the Hudson Highlands State Park and opened for passive public recreation.

The land ownership pattern outside the public land is that of low density residential development. This results in few opportunities for public access. In these areas public access is limited to local roads and to views from the Hudson River and the passenger trains that run along the east shore of the Hudson River. Views within the Hudson Highlands SASS are extensive and significant. The many peaks and hillsides offer long and broad views of the Hudson River and its surrounding rugged landscape. Cross-river views include many dramatic peaks, hamlets, mansions and estates and the impressive structures and ramparts of the United States Military Academy at West Point. Viewed from the Hudson River, the wooded shorelands and cliffs of the SASS rise abruptly from the Hudson River to the mountain peaks and ridges. Views are confined in the narrow corridor, only to open at the bends in the Hudson and in views out of the SASS at the north and south gateways of the Hudson Highlands.

The composition of the SASS is well balanced with several positive focal points including the Bear Mountain Bridge, the mansions and hamlets. The steep wooded peaks of the Highlands provide a striking setting for the numerous historic structures. NY Route 9D provides views of the river and the western shore from northern Westchester to southern Dutchess counties. Striking views are available from the railroad, the Hudson River, and many local roads. The variety of length of views, composition, backgrounds and significant focal points combine to enhance the scenic quality of the views available in the Hudson Highlands

## **D. Public Recognition**

The scenic and aesthetic quality of the Hudson Highlands has achieved a high degree of public recognition. Many writers and artists have focused on the area, culminating with the work of the Hudson River School of painters, whose work has brought national and international recognition to the area and its landscape components. The value of the area's scenic and recreational resources has been recognized through the development of the State Parks system and in the involvement of the environmental movement in major land use issues impacting on the Highlands for the purpose of protecting and preserving their scenic character. The successes of the environmental movement have had national significance.

Sections of the Old Storm King Highway, NY Route 9W, NY Route 202, the Bear Mountain Bridge, Bear Mountain Bridge Road, the Bear Mountain-Beacon Highway and local roads within the Bear Mountain State Park are all designated as Scenic Roads under Article 49 of the Environmental Conservation Law.

The historical and architectural significance of the Hudson Highlands is recognized by the large number of structures listed on the State and National Registers of Historic Places. The Hudson Highlands Multiple Resource Area, with boundaries similar to the Hudson Highlands SASS, includes 56 individual properties and three historic districts, at Cold Spring, Garrison Landing and the Bear Mountain State Park. In addition, there are three other listed properties in the Town of Philipstown -- Boscobel, Castle Rock and the deRham Farm. There are also two National Historic Landmarks in the SASS -- Fort Montgomery and the United States Military Academy at West Point.

The scenic and aesthetic quality of the SASS has received long-standing public recognition through the actions of the State and environmental not-for-profit organizations who have sought to protect individual parcels of land from development. This has resulted in the extensive areas of State parkland in the SASS.

## **IV. IMPACT ASSESSMENT**

Whether within or outside a designated SASS all proposed actions subject to review under federal and State coastal acts or a Local Waterfront Revitalization Program must be assessed to determine whether the action could affect a scenic resource and whether the action would be likely to impair the scenic beauty of the scenic resource.

Policy 24 provides that when considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. The determination would involve:

- (1) a review of the coastal area map to ascertain if it shows an identified scenic resource which could be affected by the proposed action, and
- (2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource.

Impairment includes:

- (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

Policy 24 sets forth certain siting and facility-related guidelines to be used to achieve the policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. The guidelines are set forth below, together with comments regarding their particular applicability to this Scenic Area of Statewide Significance. In applying these guidelines to agricultural land it must be recognized that the overall scenic quality of the landscape is reliant on an active and viable agricultural industry. This requires that farmers be allowed the flexibility to farm the land in an economically viable fashion, incorporating modern techniques, changes in farm operation and resultant changes in farm structures. Policy 24 guidelines include:

**SITING STRUCTURES AND OTHER DEVELOPMENT SUCH AS HIGHWAYS, POWER LINES, AND SIGNS, BACK FROM SHORELINES OR IN OTHER INCONSPICUOUS LOCATIONS TO MAINTAIN THE ATTRACTIVE QUALITY OF THE SHORELINE AND TO RETAIN VIEWS TO AND FROM THE SHORE;**

**COMMENT:** For much of the length of the Hudson Highlands SASS, the Hudson River is bounded by steep, undeveloped wooded bluffs that figure prominently in

views within the SASS, notably from and across the Hudson River. Siting of structures on the slopes or crests of these bluffs, on the immediate shoreline of the Hudson River or over the water surface of the Hudson River would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

The siting of new residential development has the potential to threaten the future visual quality of the SASS. Areas which afford views, such as ridgelines, hilltops, and hillsides overlooking the Hudson River, are most attractive to new development, but also the most vulnerable to impairment from inappropriate development. The siting of residential development, structures and other discordant features such as large buildings, highways, power lines and signs on ridgelines, hilltops and exposed hillsides and in the direct viewshed of the Hudson River would introduce discordant elements into the landscape and impair the scenic quality of the SASS.

Iona Island Marsh, Manitou Marsh and Constitution Marsh are particularly critical scenic components in the SASS. Activities that would subdivide the large undisturbed appearance of these areas into smaller fragments, introduce structures into the low-lying landscape and eliminate wetland or shallow areas through dredging, filling or bulkheading would result in a direct impact on the shoreline, changing the character of the relationship between the Hudson River and its shorelands, and impairing the scenic quality of the SASS.

**CLUSTERING OR ORIENTING STRUCTURES TO RETAIN VIEWS, SAVE OPEN SPACE AND PROVIDE VISUAL ORGANIZATION TO A DEVELOPMENT;**

**COMMENT:** The Hudson Highlands SASS features a low intensity pattern of development that includes a large amount of functional open space. Historic estate houses punctuate the landscape of rolling upland pastures, landscaped estates and woodland. Recent poorly sited residential development has not respected the traditional patterns of development within the SASS and has disturbed the visual organization established through this traditional development pattern. Further expansion of new development into the open areas of the SASS would replace the varied vegetation types. The textures, colors, contrast and expansiveness of the natural landscape character and their interrelationship would be lost, impairing the scenic quality of the SASS. Failure to use topography, existing vegetation and the clustering of new development to blend new development into the landscape would impair the scenic quality of this SASS. Failure to continue the current pattern of preserved open space through the State Park network and respect the balance between formal recreation areas and wilderness would also impair the scenic quality of the SASS.

**INCORPORATING SOUND, EXISTING STRUCTURES (ESPECIALLY HISTORIC BUILDINGS) INTO THE OVERALL DEVELOPMENT SCHEME;**

**COMMENT:** The Hudson Highlands SASS is a unique natural and cultural landscape. The loss of historic structures would alter the cultural character of the landscape, remove focal points from views and diminish the level of contrast between the natural landscape and the cultural landscape, thus impairing the scenic quality of the SASS.

**REMOVING DETERIORATED AND/OR DEGRADING ELEMENTS;**

**COMMENT:** The Hudson Highlands SASS is generally free of discordant features, and structures are generally well maintained.

**MAINTAINING OR RESTORING THE ORIGINAL LAND FORM, EXCEPT WHEN CHANGES SCREEN UNATTRACTIVE ELEMENTS AND/OR ADD APPROPRIATE INTEREST;**

**COMMENT:** The landform of the Hudson Highlands SASS is primarily in an undisturbed state and is the unifying factor in the SASS. The contrast in elevation and the juxtaposition of water and land contributes to the scenic quality of the SASS. The failure to maintain existing landforms and their interrelationships would reduce the unity and contrast of the SASS and impair its scenic quality.

**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 REMOVES UNSIGHTLY, DISEASED OR HAZARDOUS VEGETATION AND WHEN SELECTIVE CLEARING CREATES VIEWS OF COASTAL WATERS;**

**COMMENT:** The variety of vegetation and the unifying continuous vegetative cover of the Hudson Highlands SASS make a significant contribution to the scenic quality of the SASS. The tidal marshes of Iona Island Marsh, Manitou Marsh and Constitution Marsh, and pastures, woodlands, and landscaped estates provide variety, unity and contrast to the landscape. The wildlife supported by this vegetation adds ephemeral effects and increases the scenic quality of the SASS. Vegetation helps structures blend into the predominantly natural landscape and

plays a critical role in screening facilities and sites which would otherwise be discordant elements and impair the scenic quality of the SASS.

Clearcutting or removal of vegetation on the wooded bluffs along the Hudson River and in the upland areas would change the character of the river corridor and impair its scenic quality. Iona Island Marsh, Manitou Marsh and Constitution Marsh are particularly critical scenic components in the SASS. Activities that would subdivide the large undisturbed appearance of these areas into smaller fragments, the introduction of structures into the low-lying landscape and the elimination of wetland or shallow areas through dredging, filling or bulkheading would result in a direct impact on the shoreline, changing the character of the relationship between the Hudson River and its shorelands and impairing the scenic quality of the SASS.

**USING APPROPRIATE MATERIALS, IN ADDITION TO VEGETATION, TO SCREEN UNATTRACTIVE ELEMENTS;**

**COMMENT:** The Hudson Highlands SASS is generally free of discordant elements. The failure to blend new structures into the natural setting, both within the SASS boundaries and in the viewshed of the SASS, would impair the scenic quality of the SASS.

**USING APPROPRIATE SCALES, FORMS AND MATERIALS TO ENSURE THAT BUILDINGS AND OTHER STRUCTURES ARE COMPATIBLE WITH AND ADD INTEREST TO THE LANDSCAPE.**

**COMMENT:** The existing structures located within the Hudson Highlands SASS generally are compatible with and add interest to the landscape because they are of a scale, design and materials that are compatible with the predominantly natural landscape. New development or alterations to existing structures can also be designed to complement the scenic quality of the SASS through use of a scale, form, color and materials which are compatible with the existing land use and architectural styles of the area and can be absorbed into the landscape composition. Failure to construct new buildings which are compatible with the cultural fabric of the SASS as represented in these historic structures would impair the scenic quality of the SASS.

Failure to use appropriate scale, form, and materials to ensure that new development is compatible with the surrounding landscape and does not distract from the landscape composition of a designated area would impair the scenic quality of the SASS. In addition, failure to mitigate the effects associated with

development such as lighting, horizontal or vertical interruption of form, incongruous colors, or plume discharge would impair the quality of the landscape and the scenic quality of the SASS.

## **HUDSON HIGHLANDS SCENIC AREA OF STATEWIDE SIGNIFICANCE**

### **HH-14 Jones Point Subunit**

#### **I. Location**

The Jones Point subunit is located on the west bank of the Hudson River at the base of Dunderberg Mountain. The western boundary of the subunit runs inland from Jones Point along the base of Dunderberg Mountain to NY Route 9W, which it follows to its intersection with the coastal area boundary at the southern boundary of the Bear Mountain State Park. The subunit extends across the Hudson River to the mean high tide line on the eastern shorelands of the Hudson River. It extends south approximately 1.5 miles from Jones Point along the Hudson River and averages 500 feet wide. It is located in the Town of Stony Point, Rockland County and the City of Peekskill, Town of Cortlandt and Village of Buchanan, Westchester County. Consult the Hudson Highlands SASS map sheet number 6 for subunit boundaries.

#### **II. Scenic Components**

##### **A. Physical Character**

This subunit is composed of a narrow, gently rising bank of the Hudson River to the south of Jones Point, adjacent to the steep wooded hillside of Dunderberg Mountain. The Hudson River adjacent to the subunit is nearly one mile wide, although it appears more narrow, pinched by adjoining subunits into the glacially formed fjord of the Hudson Highlands. Mature mixed woodlands are interspersed with landscaped clearings along the banks of the Hudson River.

##### **B. Cultural Character**

Jones Point is a landmark on the Hudson River and, along with Dunderberg Mountain, forms part of the southern gateway to the Hudson Highlands. The Conrail railroad tracks, Liberty Drive, and NY Route 9W run the length of the narrow subunit. It contains a small settlement whose roots go back to the site of an early ferry crossing to Peekskill, the settlement originally being known as Caldwell's Landing. The scattered housing is served by Liberty Drive, named after the "Liberty Ships", cargo vessels used to supply troops in the European conflict during World War II. These ships were anchored offshore for many years after the war. A monument to the Liberty Ships is located on Route 9W at a point

where the broad expanse of the Hudson River which hosted the moored vessels provides a backdrop for the monument. The picturesque House of Prayer Church is situated on Liberty Drive. Extensive industrial development to the south and east of the subunit, including the Indian Point nuclear plant across the Hudson River, is a discordant feature and detracts significantly from the high scenic quality surrounding the subunit.

### C. Views

Views from the subunit are contained by the bends in the Hudson River and are directed across the river to the City of Peekskill and the villages of Buchanan and Verplanck. The incongruent structures of industrial development on the eastern shorelands of the Hudson River dominate the views from the subunit, providing negative focal points. Views from the Hudson River are of the scattered residential development set in landscaped clearings on the low, wooded plateau below the rounded, wooded peak of Dunderberg Mountain.

### III. Uniqueness

The Jones Point subunit is part of Dunderberg Mountain, a unique landform that creates a sharp bend in the Hudson River.

### IV. Public Accessibility

The pattern of land ownership in the small Jones Point subunit limits public accessibility. It has high visual accessibility from the Hudson River, from settlements on the eastern shorelands and from the passenger trains that run along the eastern banks of the Hudson River.

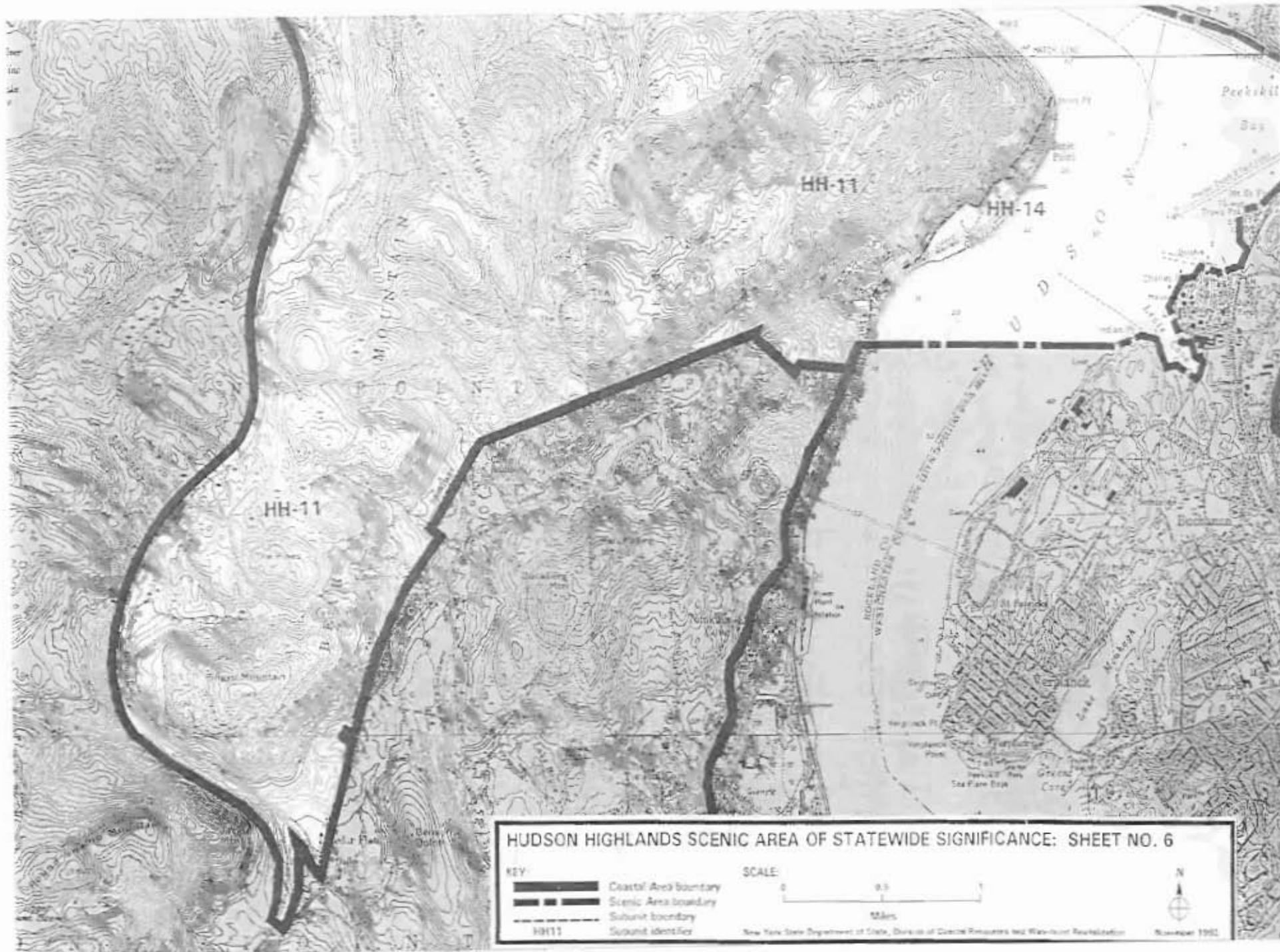
### V. Public Recognition

The Jones Point subunit receives positive public recognition as part of the southern gateway to the Highlands and is a landmark for travellers on the Hudson.

### VI. Reason for Inclusion

The Jones Point subunit is included in the Hudson Highlands SASS because it has a variety of positive scenic components, including the broad expanse of the Hudson River, the unique landform of Jones Point, and the picturesque settlement of Liberty Drive with

the House of Prayer Church. The broad Hudson River contrasts with the narrow lowland banks. The subunit is highly visible from local roads, the Hudson River and from the eastern shorelands of the Hudson River. It is recognized as part of the southern gateway to the Hudson Highlands, and Jones Point creates a dramatic bend in the Hudson River, a landmark for travellers.





**Appendix A-4**

**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **Hudson River Mile 44-56**  
Designated: **November 15, 1987**  
County(ies): **Orange; Rockland; Putnam; Westchester**  
Town(s): **Cornwall, Highlands; Stony Point; Philipstown; Cortlandt**  
7<sup>1</sup>/<sub>2</sub> Quadrangle(s): **West Point, NY; Peekskill, NY**

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<u>Score</u>	<u>Criterion</u>
25	Ecosystem Rarity (ER) An extensive area of deep, turbulent river channel with strong currents and rocky substrates; unusual in the Hudson River estuary.
36	Species Vulnerability (SV) Bald eagle (E) wintering area. Possibly an important nursery area for shortnose sturgeon (E).
38	Human Use (HU) Striped bass production in this area supports commercial and recreational fisheries throughout the northeastern U.S.; additive division: $25 + 25/2 = 38$ .
25	Population Level (PL) The major spawning area for Hudson River striped bass; population levels are unusual in the northeastern United States.
1.2	Replaceability (R) Irreplaceable.

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SIGNIFICANCE VALUE =  $[(ER + SV + HU + PL) \times R] = 148$

**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM**  
**A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM**

**BACKGROUND**

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

## **DESIGNATED HABITAT: HUDSON RIVER MILE 44-56**

### **HABITAT DESCRIPTION:**

Hudson River Mile 44-56 extends roughly from Cornwall Bay to Peekskill Bay, in the Towns of Cornwall and Highlands, Orange County; Stony Point, Rockland County; Philipstown, Putnam County; and Cortlandt, Westchester County (7.5' Quadrangles: West Point, N.Y.; and Peekskill, N.Y.). The fish and wildlife habitat encompasses all of the main river channel below mean low water over an approximate twelve mile reach. This area is a very narrow and deep (up to 200 feet deep) section of the Hudson River, with strong currents and a rocky bottom substrate.

During spring and early summer, surface salinity in the area is almost always less than one part per thousand, i.e., essentially freshwater. During late summer and fall, however, salt intrusion often extends upstream beyond River Mile 56. The land area bordering Hudson River Mile 44-56 is predominantly steep, rocky, hillsides, with a variety of land uses, including undeveloped forestland (e.g., Storm King, Bear Mountain, and Hudson Highlands State Parks), small urban centers, and the West Point Military Reservation. In addition, Penn Central railroad tracks closely follow the shoreline on both sides of River Mile 44-56. The habitat also includes most of Iona Island, which is part of the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education).

### **FISH AND WILDLIFE VALUES:**

Hudson River Mile 44-56 is one of several relatively long reaches of the river channel that are very deep and narrow, with strong currents and rocky substrates. It is the most extensive area of this habitat type in the Hudson River, and contains the majority of deepwater (and greatest maximum depth) in the entire Hudson estuary.

River flows in this segment are considerably larger than in upstream narrow areas, because of the additional input of three major tributaries (Wappinger, Fishkill, and Moodna Creeks). This area is also significant because it is the southernmost extent of essentially freshwater in the Hudson River estuary during fish spawning periods.

The combination of rocky substrates, swift currents, and freshwater (during spring runoff), over this large area provides highly favorable conditions for reproduction by anadromous fishes, especially striped bass and white perch. Deep turbulent areas appear to be primary spawning habitat for striped bass, and according to both historical and recent data, River Mile 44-56 is the most important spawning area for this species in the Hudson River. In recognition of this, much of the area has restrictions on operation of gillnets to protect the spawning population. Generally, these two species enter the area to spawn in May and June; the adults leave the area shortly after spawning, and within

several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the brackish portion of the Hudson River. Although the commercial fishery for striped bass in the Hudson River was closed in 1985 due to high contaminant (polychlorinated biphenyls) levels, River Mile 44-56 contributes significantly to commercial and recreational fisheries throughout this migratory range.

Striped bass stock discrimination studies conducted in coastal New York and southern New England indicate that approximately 50 percent of striped bass harvested in these fisheries were of Hudson River origin, the remainder primarily originating from the Chesapeake Bay system. With the documented poor Chesapeake production from 1983-1985, it is anticipated that the relative contribution of the Hudson stock to the coastal migratory striped bass population will continue to rise above 50 percent. Deepwater areas such as Hudson River Mile 44-56 are also used by concentrations of species which spawn elsewhere in the Hudson River estuary. Deep areas are used as migrational routes by Atlantic sturgeon and shortnose sturgeon (E), and may be important nursery areas for these species. As the salt front moves up through this area, a variety of marine species, such as bluefish, anchovy, silversides, hogchoker, and blue claw crab may also enter the area. The concentrations of anadromous and marine fishes occurring in Hudson River Mile 44-56 attract significant recreational fishing pressure within the area, attracting visitors from throughout the lower Hudson Valley.

Associated with the fisheries resources in Hudson River Mile 44-56 is a significant concentration of wintering bald eagles (E). Apparently, upwellings along the river shoreline bring fish concentrations near the surface, and because this area rarely freezes, it provides a dependable prey base for these birds. Bald eagles have been reported in this area since at least 1981, with as many as 12 occurring here at one time. Winter residence in the area generally extends from December through March. These birds feed throughout River Mile 44-56, and Iona Island is a primary roosting area; the latter has been designated as an eagle sanctuary by the Palisades Interstate Park Commission. Other roosting areas include undisturbed woodlands along both sides of the river, especially near sheltered coves. Fish species commonly taken by the wintering eagles include goldfish, brown bullhead, alewife, white perch, and sunfish.

#### IMPACT ASSESSMENT:

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

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

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

- destroy the habitat; or,

- significantly impair the viability of a habitat.

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

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

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

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

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

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

Any activity that would substantially degrade water quality, reduce flows, alter tidal fluctuations, or increase water temperatures in Hudson River Mile 44-56 would result in significant impairment of the habitat. Of primary concern in this deep estuarine area would be diversion of freshwater flows out of the Hudson, contamination by toxic chemicals, major structural alterations to the underwater habitat (e.g., dredging, filling, or construction of jetties), and thermal discharges. All species of fish and wildlife may be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity or sedimentation, and waste disposal.

Transient habitat disturbances, such as dredging or in-river construction activities, could have significant impacts on striped bass populations during spawning and incubation periods (May-July, primarily). Installation and operation of water intakes could also have significant impacts on fish populations in the area, through impingement of juveniles and adults, or entrainment of eggs and larval stages. The potential effects of human disturbance (especially pedestrians) on wintering bald eagles are not well documented, but should be minimized around known roosting and feeding areas.

It is essential that activities in the vicinity of Iona Island also be evaluated with respect to its use for environmental research and education, and the need to maintain natural or controlled experimental conditions.

**KNOWLEDGEABLE CONTACTS:**

**Tom Hart**

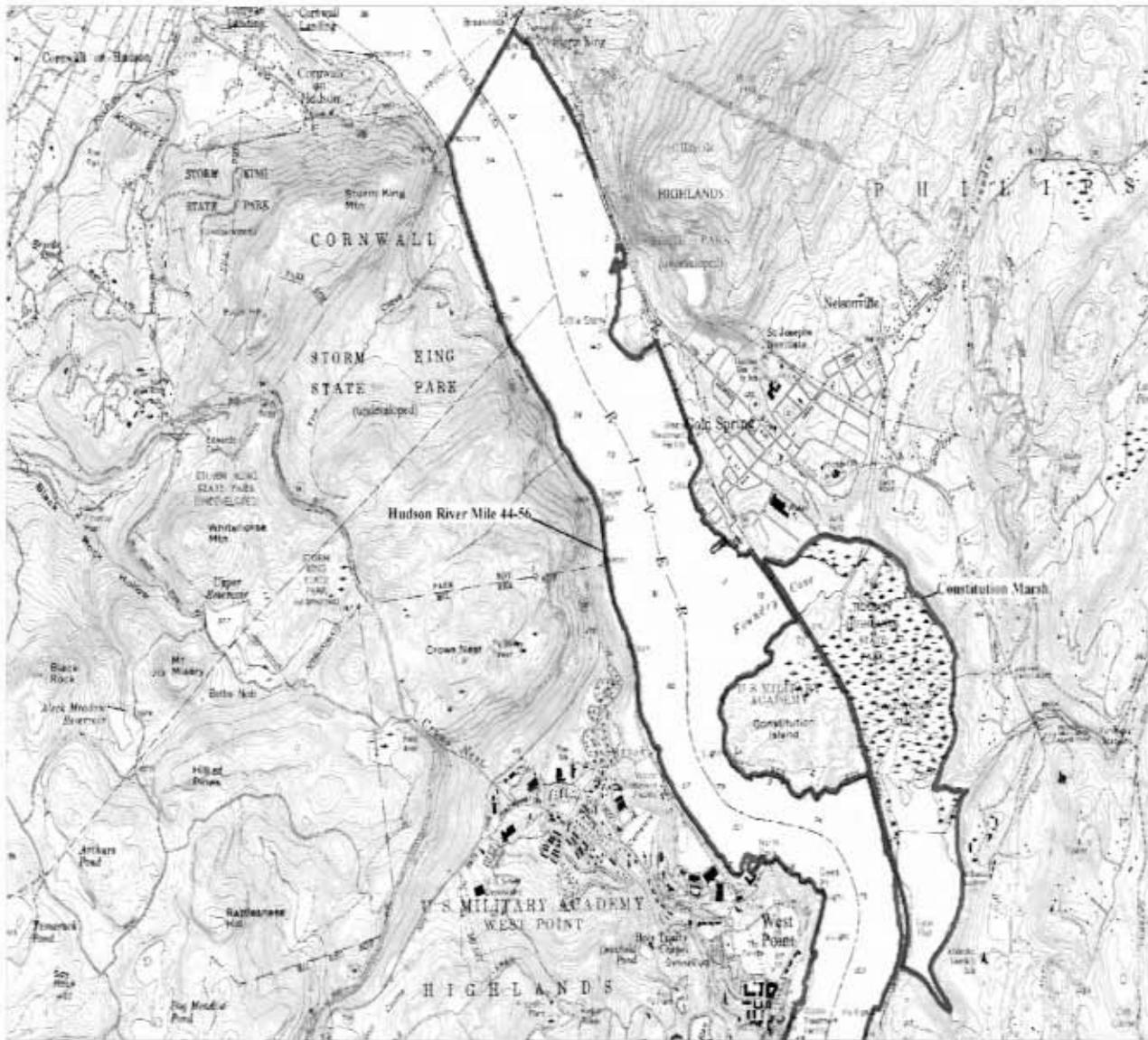
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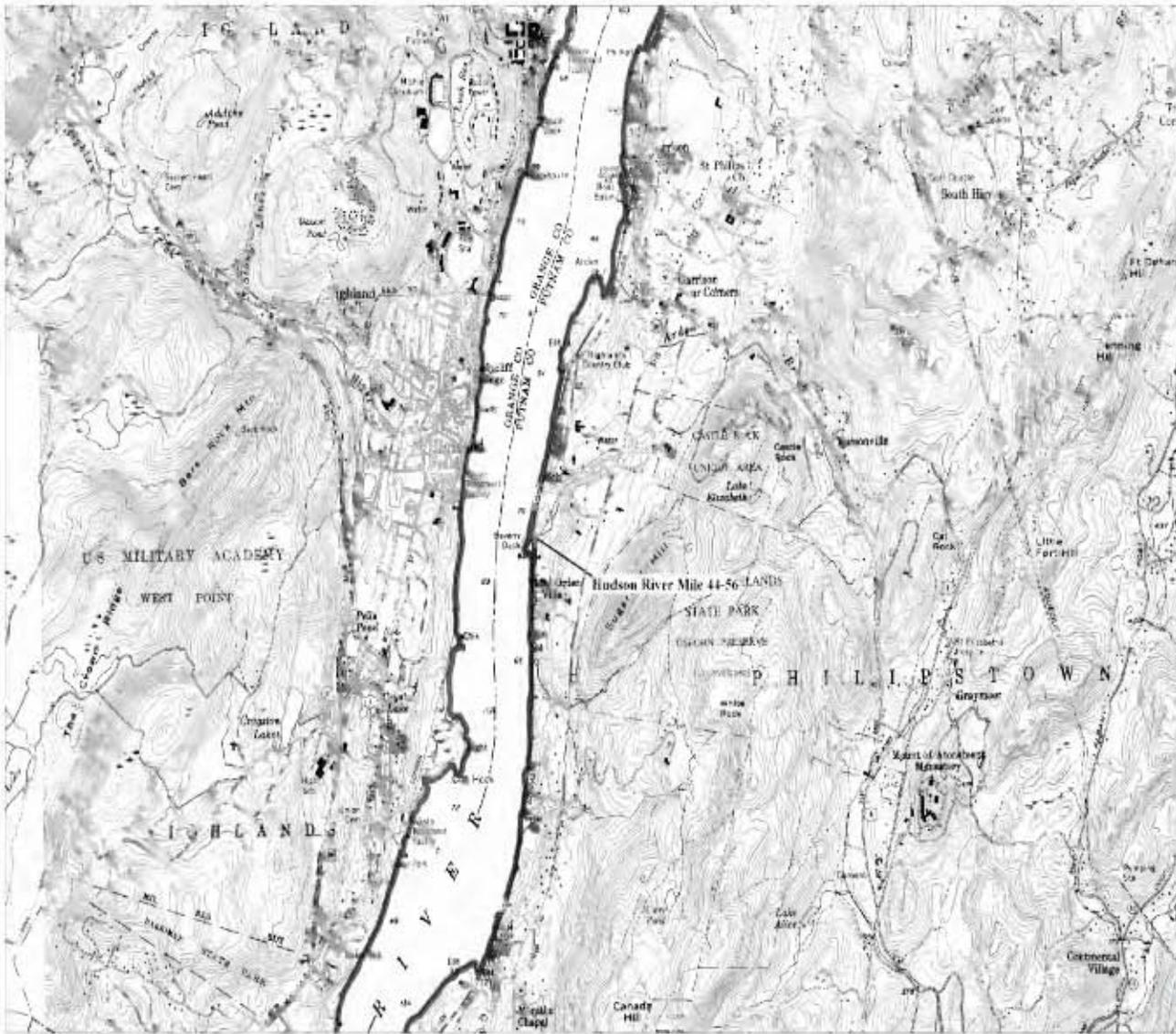


**Significant Coastal Fish and Wildlife Habitats**

Constitution Marsh  
 Hudson River Mile 44-56 (in part)  
 Part 1 of 3

New York State  
 Department of State  
 Division of Conservation  
 State of New York





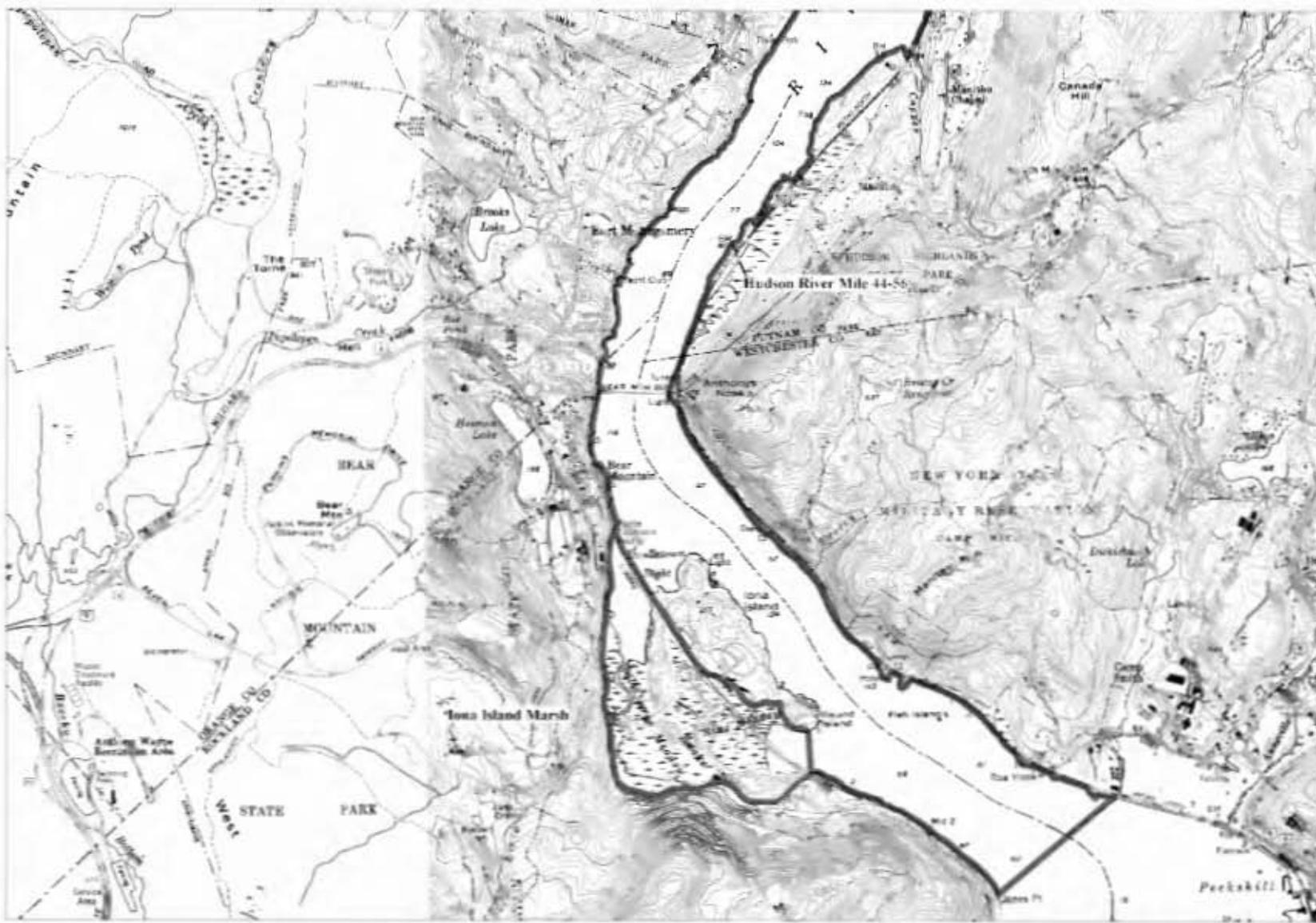
Significant Coastal Fish and Wildlife Habitats

Hudson River Mile 44-56 (in part)

Part 2 of 3



New York State  
Department of  
Environmental Conservation  
Division of  
Coastal Resources



**Significant Coastal Fish and Wildlife Habitats**

Hudson River Mile 44-56 (in part)  
 Part 3 of 3  
 Tom's Island Marsh



New York State  
 Department of Fish  
 and Wildlife Conservation  
 Division of Coastal Conservation

COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **Haverstraw Bay**  
Designated: **November 15, 1987**  
County(ies): **Rockland; Westchester**  
Town(s): **Clarkstown, Haverstraw, Stony Point; Cortlandt**  
7½' Quadrangle(s): **Haverstraw, NY; NOAA Chart No. 12343**

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<b><u>Score</u></b>	<b><u>Criterion</u></b>
<b>40</b>	Ecosystem Rarity (ER) The most extensive area of shallow estuarine habitat in the lower Hudson River (and in New York State), but rarity reduced by human disturbances; geometric mean: $(25 \times 64)^{1/2} = 40$ .
<b>36</b>	Species Vulnerability (SV) Shortnose sturgeon (E) regularly occur in the area.
<b>38</b>	Human Use (HU) The area contributes to recreational and commercial fisheries throughout the northeastern U.S.; additive division: $25 + 25/2 = 38$

Population Level (PL)

25

A major spawning, nursery, and wintering area for various estuarine fish species; population levels unusual in the northeastern U.S.

Replaceability (R)

1.2

Irreplaceable.

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SIGNIFICANCE VALUE = [( ER + SV + HU + PL ) X R] = **166**

**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM**  
**A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM**

**BACKGROUND**

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

## **DESIGNATED HABITAT: HAVERSTRAW BAY**

### **HABITAT DESCRIPTION:**

Haverstraw Bay extends approximately six miles on the Hudson River, from Stony Point to Croton Point, in the Towns of Stony Point, Haverstraw, and Clarkstown, in Rockland County, and the Town of Cortlandt, in Westchester County (7.5' Quadrangle: Haverstraw, N.Y.; NOAA Chart No. 12343).

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

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

### **FISH AND WILDLIFE VALUES:**

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

Although the location of the salt front varies annually (and seasonally), Haverstraw Bay regularly comprises a substantial part of the nursery area for striped bass, American shad, white perch, tomcod, and Atlantic sturgeon that are produced in the Hudson. Other anadromous species, such as blueback herring and alewife, spawn in upstream freshwater areas, but move south and concentrate in this area before leaving the river in the fall.

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

Haverstraw Bay is a critical habitat for most estuarine-dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and forage fish species. Consequently, commercial and recreational fisheries throughout the North Atlantic depend on, or benefit from, these biological inputs from the Hudson River estuary.

#### IMPACT ASSESSMENT:

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

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

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

- destroy the habitat; or,

- significantly impair the viability of a habitat.

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

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

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

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,

3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

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

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

**KNOWLEDGEABLE CONTACTS:**

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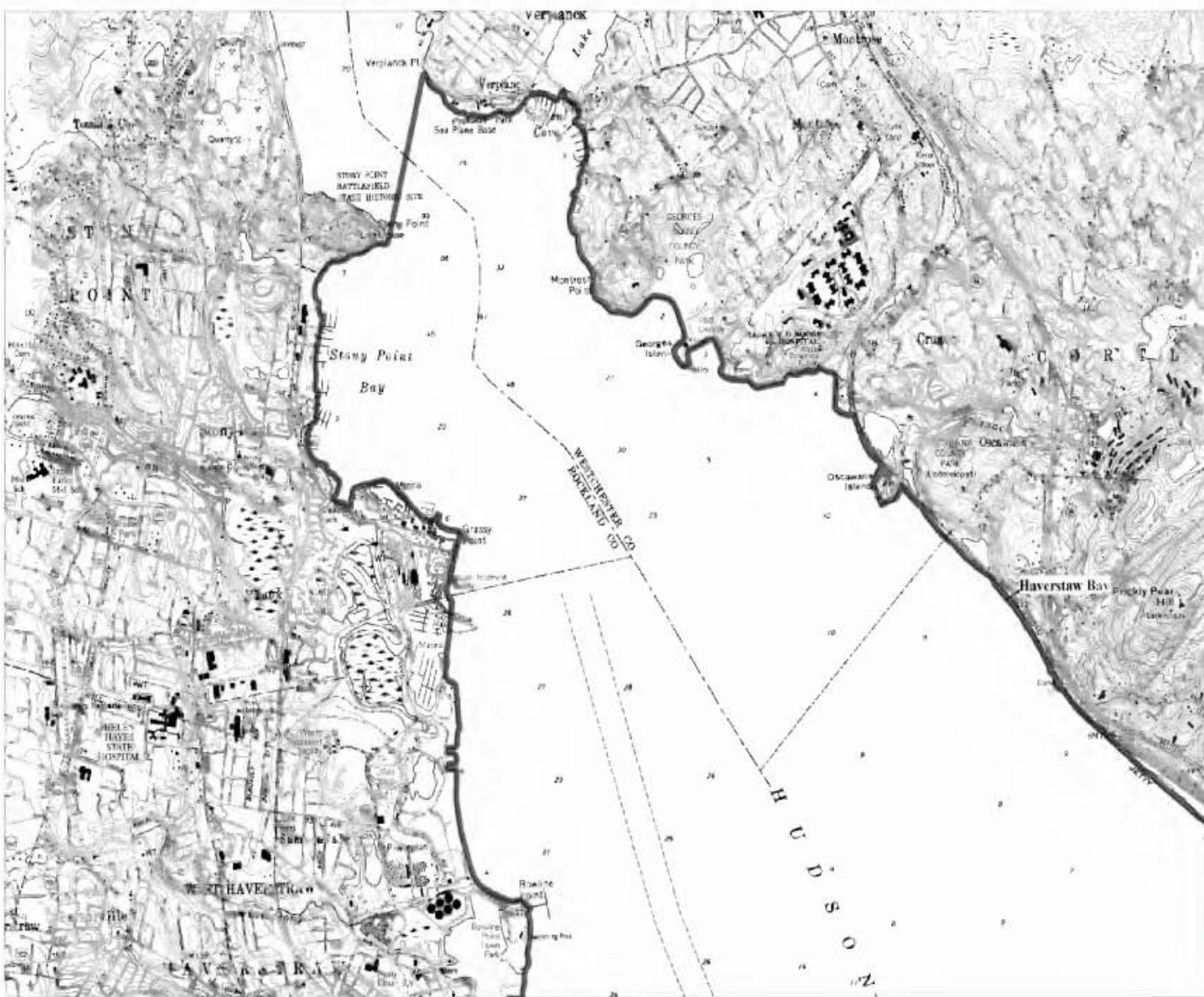
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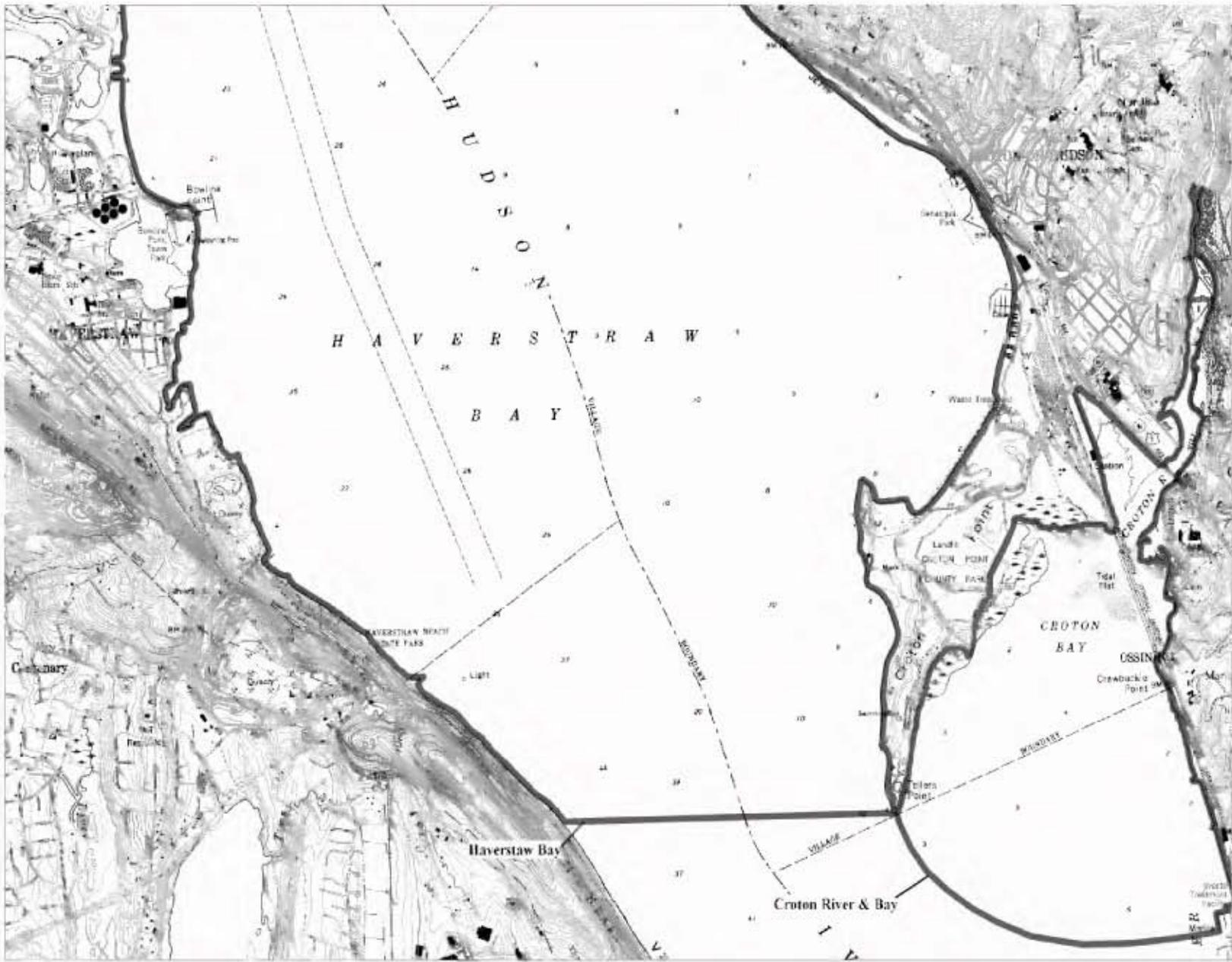




**Significant Coastal Fish and Wildlife Habitats**

Haverstraw Bay (In part)  
Part 1 of 2





**Significant Coastal Fish and Wildlife Habitats**

Croton River & Bay  
 Haverstraw Bay (In part)  
 Part 2 of 2

New York State  
 Department of State  
 Division of Coastal Resources





COASTAL FISH & WILDLIFE HABITAT RATING FORM

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Name of Area: **Iona Island Marsh**  
Designated: **November 15, 1987**  
County: **Rockland**  
Town(s): **Stony Point**  
7½' Quadrangle(s): **Peekskill, NY**

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<u>Score</u>	<u>Criterion</u>
25	Ecosystem Rarity (ER) One of about 5 large, undeveloped, tidal marshes in the Hudson River; rare in the major ecological region.
16	Species Vulnerability (SV) Least bittern (SC) nesting.
15	Human Use (HU) Part of the Hudson River Estuarine Sanctuary; regionally significant for fish and wildlife research and education. Also popular among Rockland County birders. Additive division: $9 + 9/2 + 4/4 = 15$ .
4	Population Level (PL)

1.2

Concentrations of various wetland wildlife species are unusual in Rockland County.

Replaceability (R)

Irreplaceable.

---

**SIGNIFICANCE VALUE = [( ER + SV + HU + PL ) X R] = 71**



**SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM**  
**A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM**

**BACKGROUND**

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

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This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.



## **DESIGNATED HABITAT: IONA ISLAND MARSH**

### **HABITAT DESCRIPTION:**

Iona Island Marsh is located between Iona Island and the west shore of the Hudson River, approximately three miles northwest of the City of Peekskill, in the Town of Stony Point, Rockland County (7.5' Quadrangle: Peekskill, N.Y.). The fish and wildlife habitat is an approximate 270 acre tidal, freshwater to brackish, wetland, dominated by narrow-leaved cattail. Non-vegetated tidal flats, subtidal aquatic beds, and rocky uplands also occur in the area. Tidal creek channels meander through the marsh, but account for a very limited amount of open water. Iona Island Marsh receives freshwater inflows from Doodletown Brook, a small, high gradient, stream. Parts of Iona Marsh are locally known as Salisbury Meadow, Ring Meadow, and Snake Hole Creek. The marsh is hydrologically connected to the Hudson River through openings in the railroad at each end of Iona Island.

The land area surrounding Iona Island Marsh is steep, rocky, undeveloped, forestland, subject to limited human disturbance. Principal habitat disturbances in the area are limited to traffic on N.Y.S. Route 9W and the Conrail railroad (which parallel the western and eastern boundaries of the area, respectively), and recreational activities on Iona Island, including use of a man-made causeway for access to the island. This causeway bisects the marsh, but flow of tidal water is accommodated by culvert pipes which run under the road. Iona Island Marsh is located within Bear Mountain State Park, and is owned by The Palisades Interstate Park Commission (PIPC).

### **FISH AND WILDLIFE VALUES:**

Iona Island Marsh is one of the largest, undeveloped, tidal

wetlands on the Hudson River. Tidal marshes and flats such as those found in Iona Island Marsh are among the most valuable fish and wildlife habitats in the Hudson Valley. The ecological importance of Iona Island Marsh has been recognized in several formal designations: it is one of four sites comprising the Hudson River Estuarine Sanctuary (an area dedicated to environmental research and education); and, it is registered as a National Natural Landmark with the U.S. Department of the Interior.

Iona Island Marsh is a highly productive wetland, with minimal human disturbance, providing favorable habitats for a variety of fish and wildlife species. The marsh is especially important for marsh-nesting birds; probable or confirmed breeding species include green-backed

heron, least bittern (SC), Canada goose, mallard, wood duck, Virginia rail, sora, common moorhen, spotted sandpiper, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Concentrations of herons, waterfowl, osprey (T), and shorebirds also occur in Iona Island Marsh during spring (March-April) and fall (September-November) migrations but the extent of use has not been documented. Other resident wildlife species in the area include muskrat, mink, snapping turtle, northern water snake, and green frog.

Shallow bay areas and creek channels in Iona Marsh provide spawning and nursery habitats for a variety of anadromous and resident freshwater fishes. Species found in the area include alewife, blueback herring, white perch, striped bass, banded killifish, and mummichog. In addition to fish and wildlife values, the rocky islands bisected by the causeway contain fragile strands of walking fern and prickly pear cactus, two unusual plant species in New York.

The diversity and abundance of wildlife species in Iona Island Marsh are unusual in the lower Hudson River. In 1947, the PIPC designated the marsh a Bird Sanctuary. Opportunities for birdwatching, along with recreational fishing, and informal nature study, attract a substantial number of Rockland County residents to the area. More important, however, is that designation of Iona Marsh as an Estuarine Research Reserve will focus research and education activities in the Hudson Valley on this area.

#### IMPACT ASSESSMENT:

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

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

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

- destroy the habitat; or,

- significantly impair the viability of a habitat.

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

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

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

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

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

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

It is essential that any potential impacts on Iona Island Marsh be evaluated with respect to its use for environmental research and education, and the need to maintain natural or controlled experimental conditions. Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce freshwater inflows, or alter tidal fluctuations in Iona Island Marsh would result in significant impairment of the habitat. Application of herbicides or insecticides along the railroad right-of-way may result in adverse impacts on various fish and wildlife species, and should be avoided. Elimination of wetland or shallow areas, through dredging, filling, or bulkheading, would result in a direct impact on valuable fish and wildlife habitats.

Potentially, the Conrail Railroad could affect the hydrodynamics of this wetland, through changes in the causeway, bridges, and number of tracks. Likewise, any alteration of the access road to Iona Island should be designed to maintain or enhance natural tidal flows in the marsh. Activities that would subdivide this relatively large, undisturbed area into smaller fragments should be restricted. However, habitat management activities, including expansion of productive littoral areas, may be designed to maintain or enhance populations of certain fish or wildlife species.

Existing areas of natural vegetation bordering Iona Island Marsh should be maintained for their value as cover, perch sites, and buffer zones; significant human encroachment into the adjacent area could adversely affect certain species of wildlife. It is recommended that rare plant species occurring in the area be protected from adverse effects of human activities. Strict management of public access may be necessary to ensure that the various human uses of fish and wildlife resources in the area are compatible.

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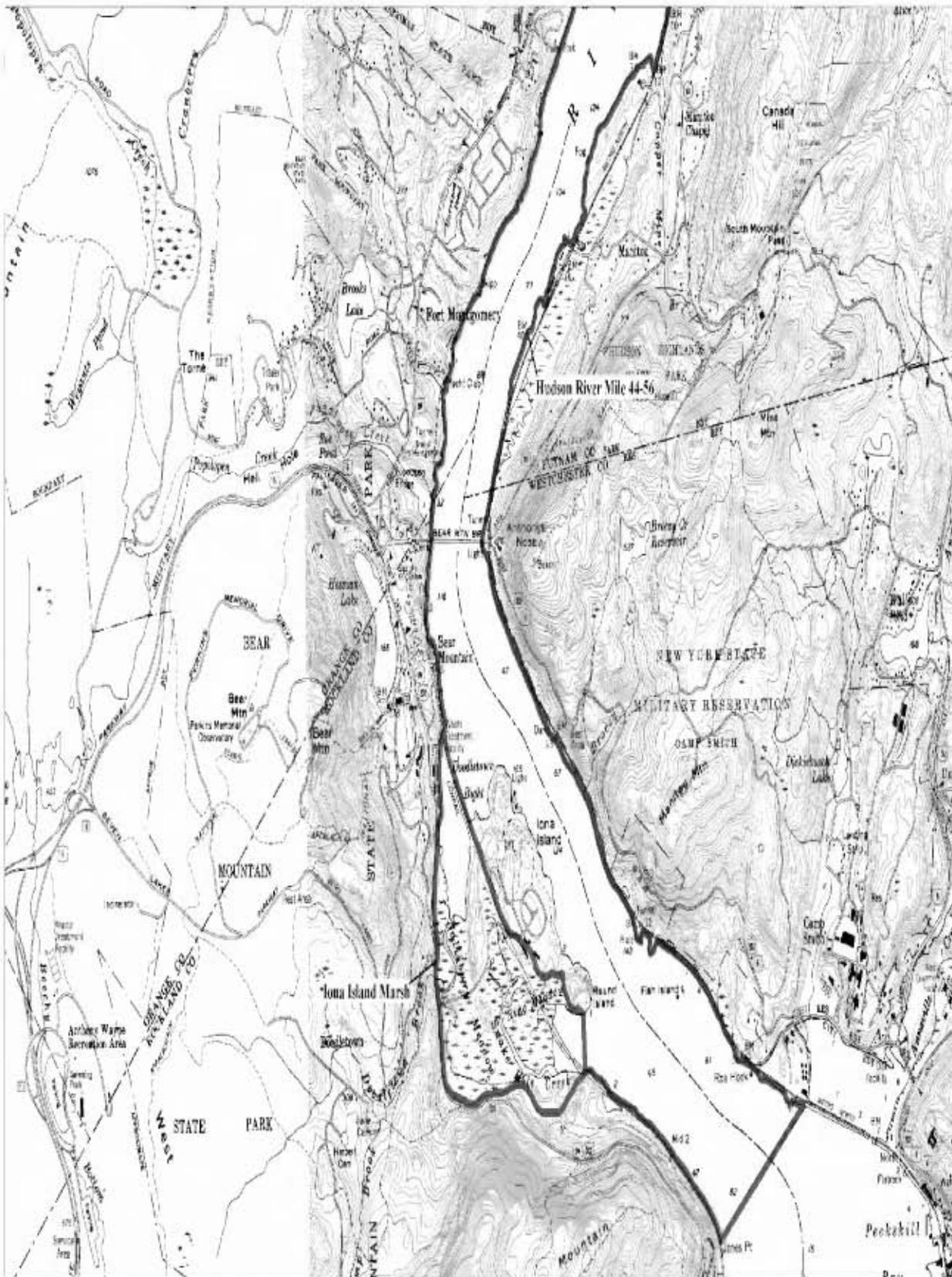
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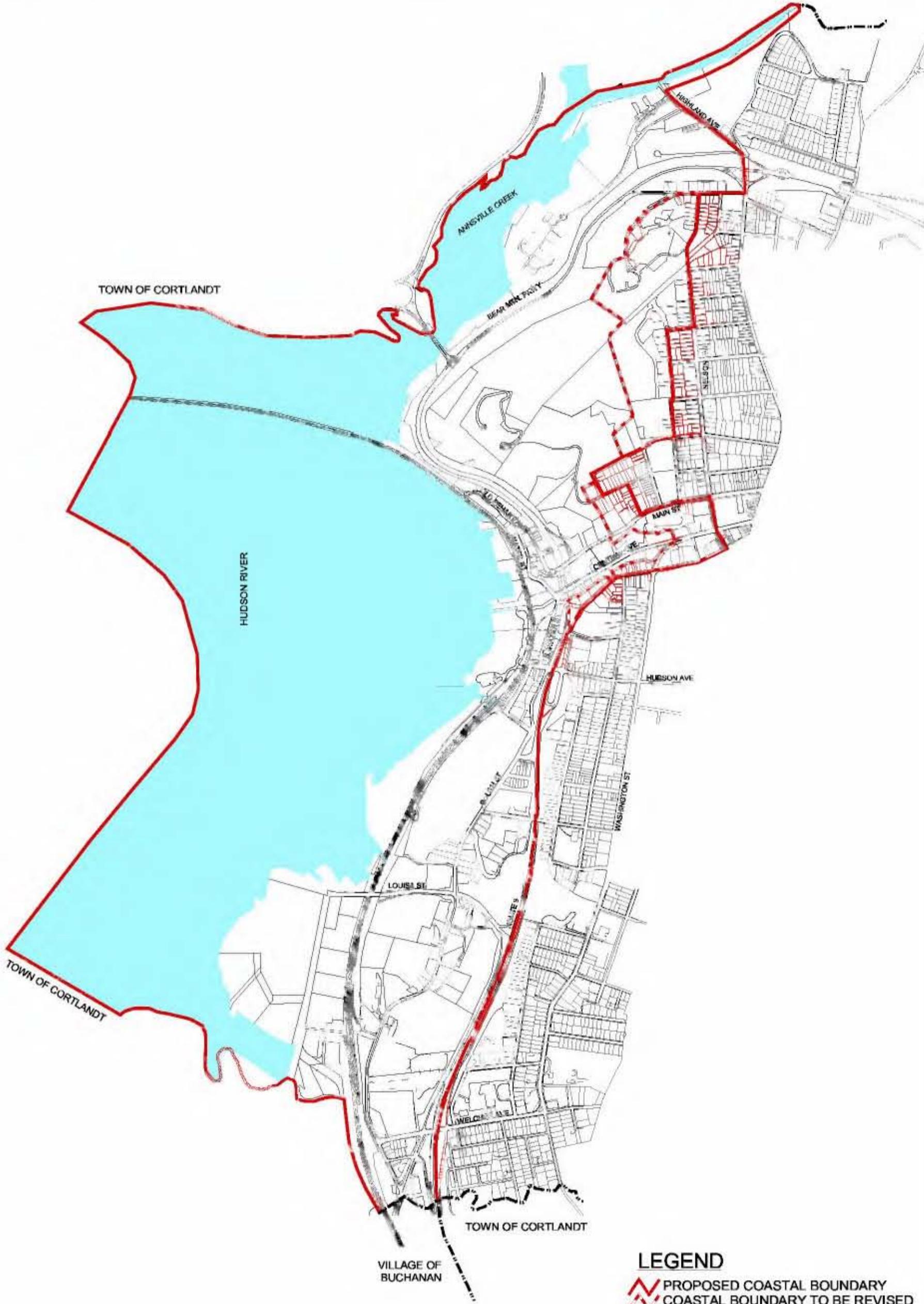


**Significant Coastal Fish and Wildlife Habitats**

Hudson River Mile 44-56 (in part)  
 Part 3 of 3  
 Iona Island Marsh

New York State  
 Department of State  
 Division of  
 Coastal Resources





**LEGEND**

-  PROPOSED COASTAL BOUNDARY
-  COASTAL BOUNDARY TO BE REVISED
-  CITY BOUNDARY

**MAP NO. 1**  
**COASTAL BOUNDARY**

WATERFRONT REVITALIZATION PROGRAM

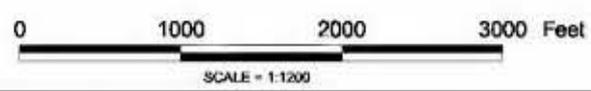
PEEKSKILL, NEW YORK

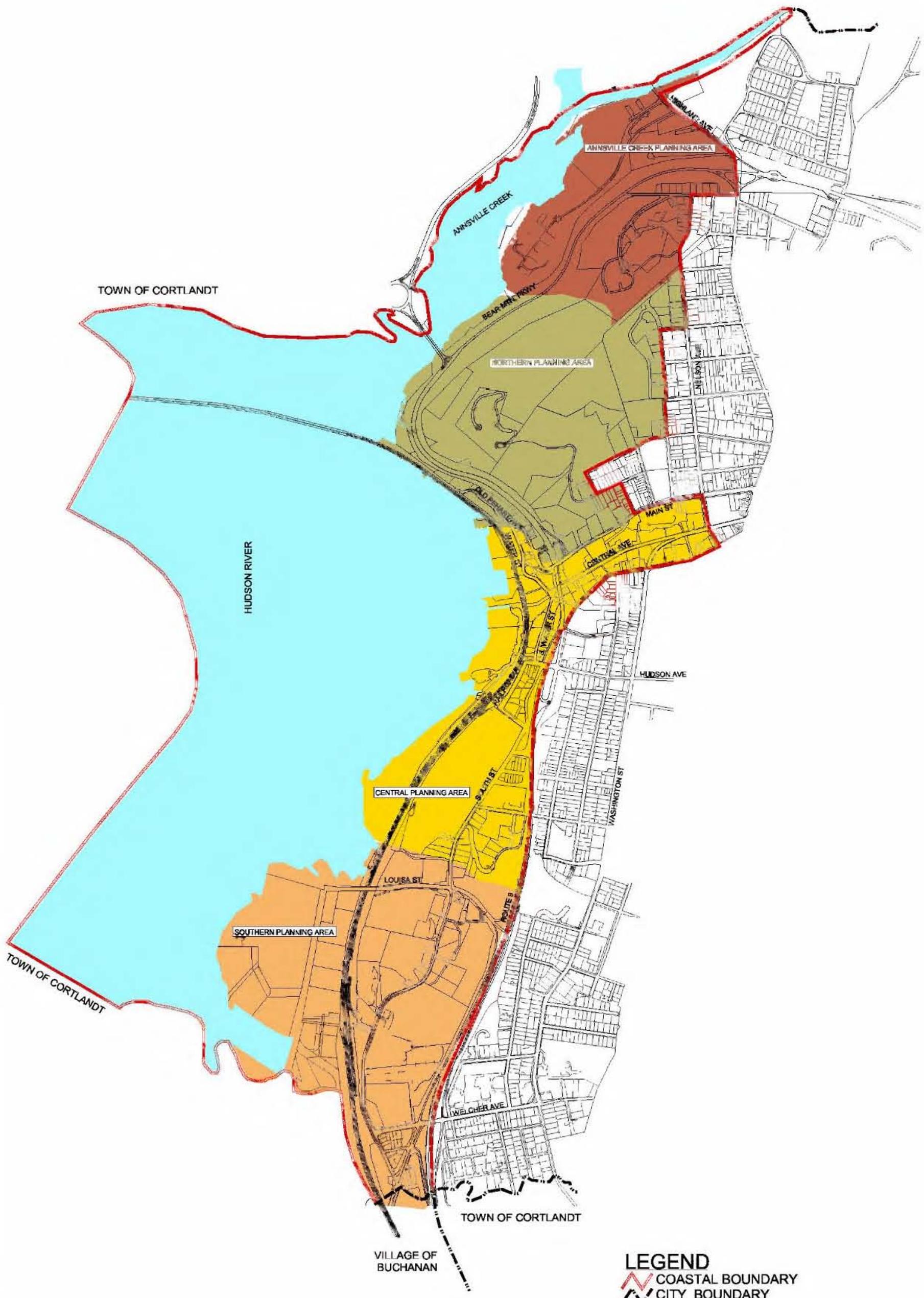


Source of Data  
 City of Peekskill  
 City Planning Department  
 Peekskill, NY.

Shuster Associates  
 StoneRidge, NY.

THIS MAP WAS DEVELOPED FOR USE AS A  
 PLANNING DOCUMENT. DELINEATIONS MAY  
 NOT BE EXACT.

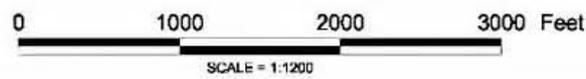




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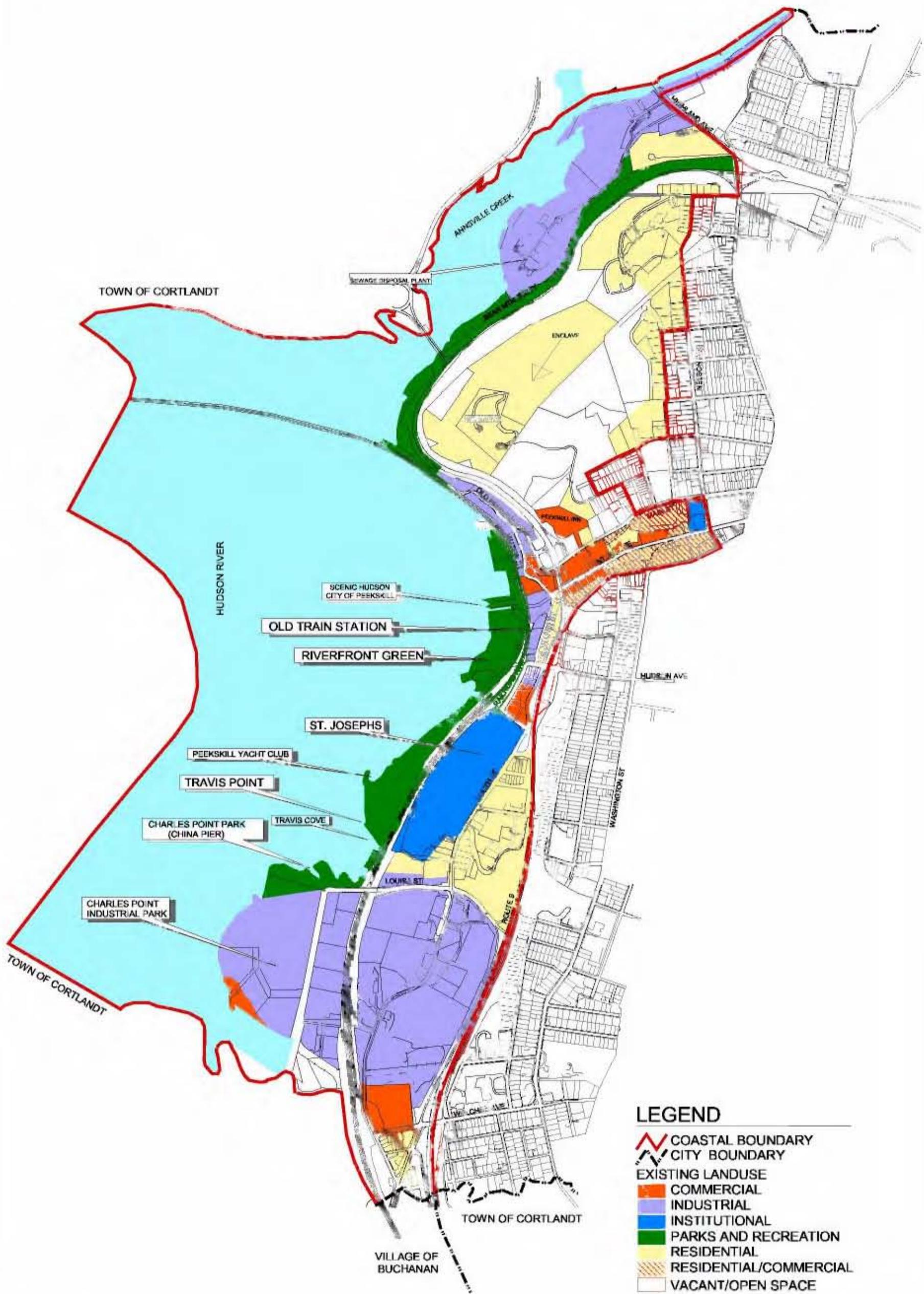


**LEGEND**  
 COASTAL BOUNDARY  
 CITY BOUNDARY

**MAP NO. 2**  
**PLANNING AREAS**  
 WATERFRONT REVITALIZATION PROGRAM

**PEEKSKILL, NEW YORK**





**LEGEND**

- COASTAL BOUNDARY
- CITY BOUNDARY
- EXISTING LANDUSE
  - COMMERCIAL
  - INDUSTRIAL
  - INSTITUTIONAL
  - PARKS AND RECREATION
  - RESIDENTIAL
  - RESIDENTIAL/COMMERCIAL
  - VACANT/OPEN SPACE

**MAP NO. 3  
EXISTING LANDUSE**

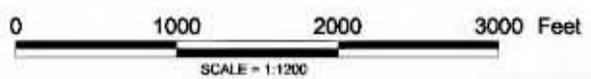
WATERFRONT REVITALIZATION PROGRAM

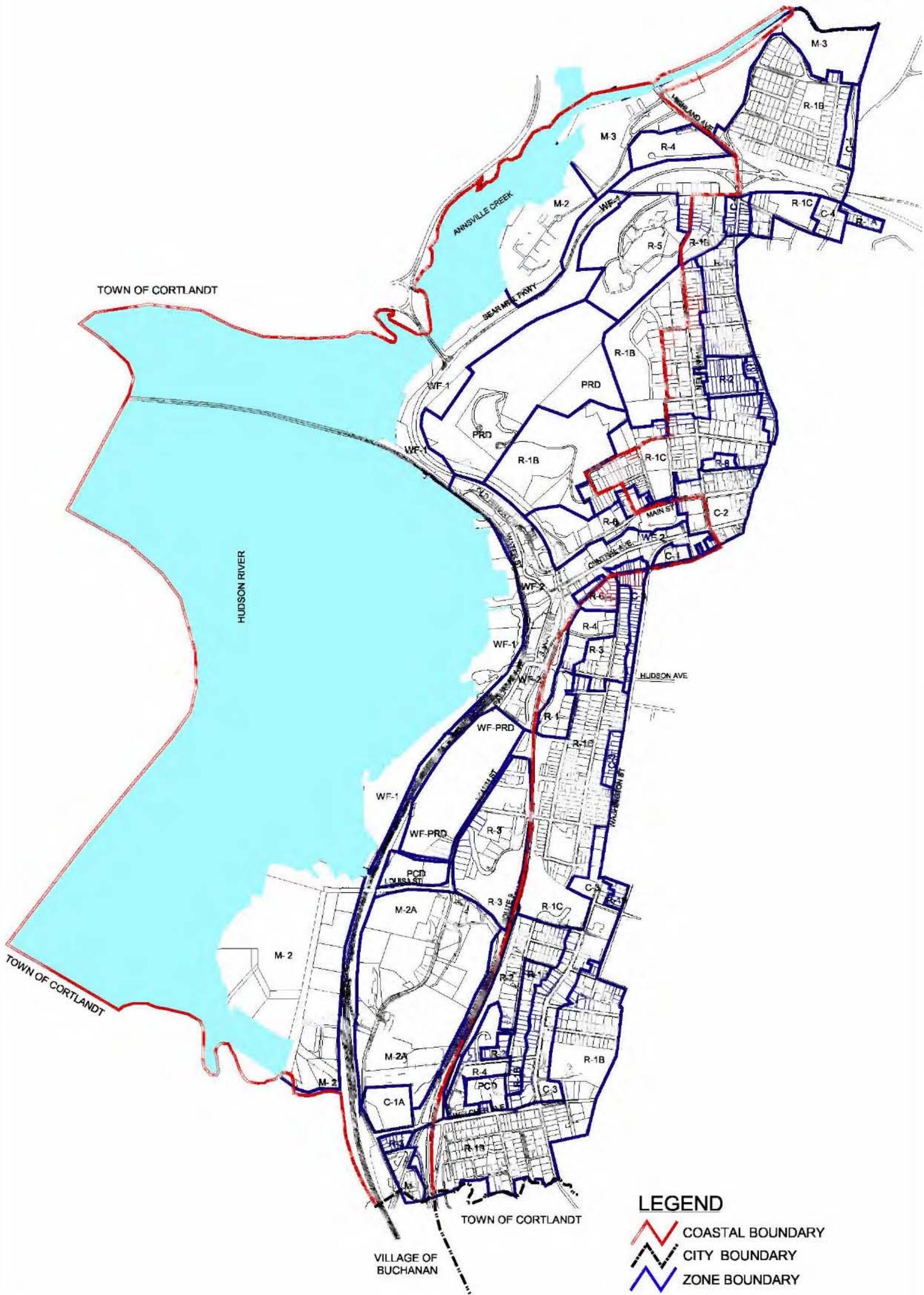
PEEKSKILL, NEW YORK



Source of Data  
City of Peekskill  
City Planning Department  
Peekskill, NY.

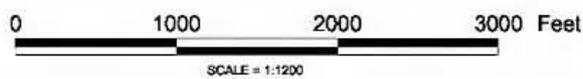
Shuster Associates  
StoneRidge, NY.  
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Source of Data  
 City of Peekskill  
 City Planning Department  
 Peekskill, NY.

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**LEGEND**

-  COASTAL BOUNDARY
-  CITY BOUNDARY
-  ZONE BOUNDARY

**MAP NO. 4  
 EXISTING ZONING**

WATERFRONT REVITALIZATION PROGRAM

**PEEKSKILL, NEW YORK**





**LEGEND**

-  COASTAL BOUNDARY
-  CITY BOUNDARY
- Proposed Landuse
-  COMMERCIAL/INDUSTRIAL PARK/MANUFACTURING
-  INDUSTRIAL
-  PARKS AND RECREATION
-  PLANNED RESIDENTIAL
-  RESIDENTIAL/COMMERCIAL
-  RESIDENTIAL/INSTITUTIONAL

**MAP NO. 5  
PROPOSED LANDUSE**

WATERFRONT REVITALIZATION PROGRAM

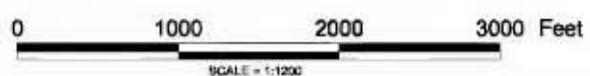
PEEKSKILL, NEW YORK



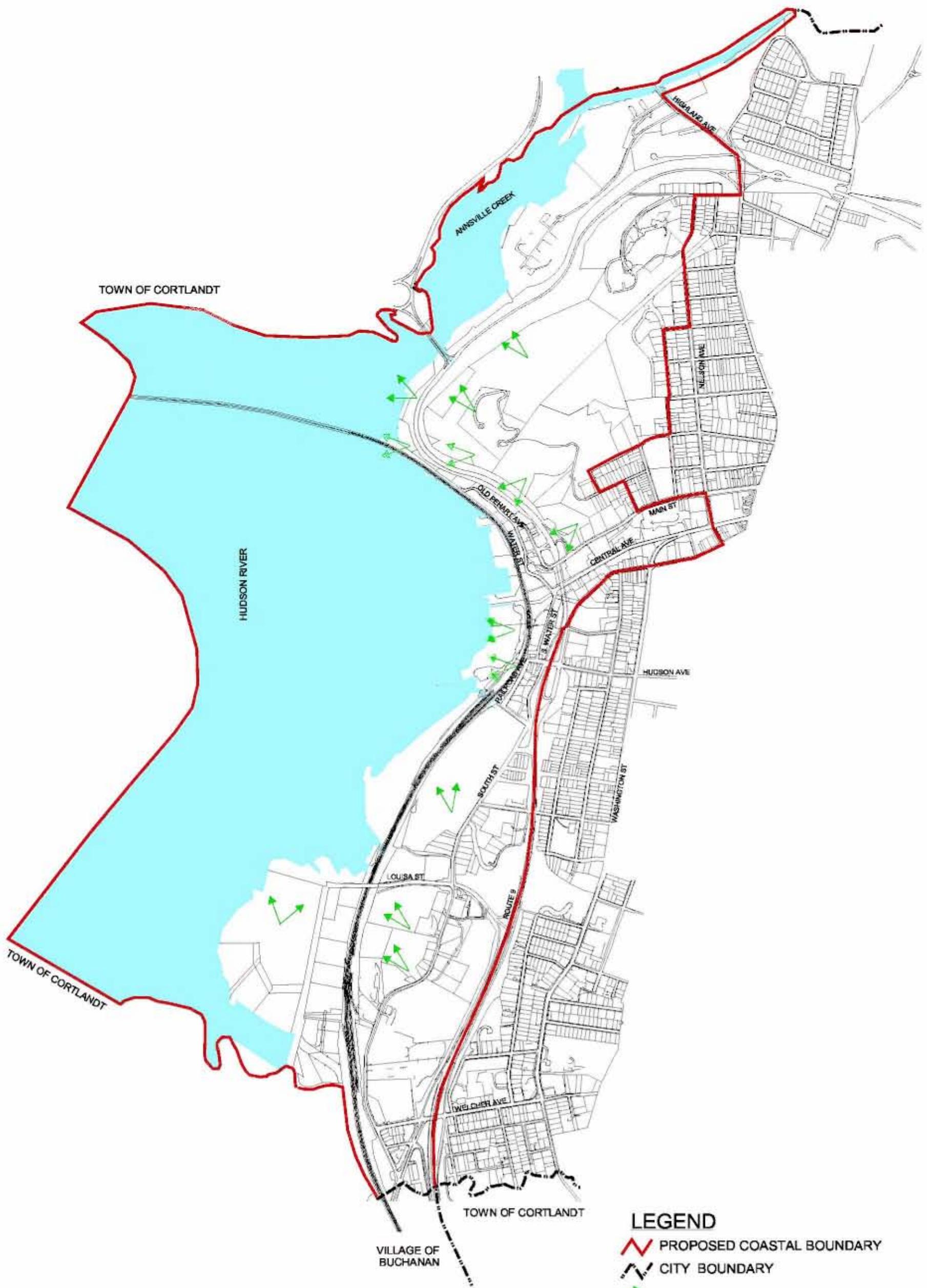
Source of Data  
City of Peekskill  
City Planning Department  
Peekskill, NY.

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SCALE = 1:1200



**LEGEND**

-  PROPOSED COASTAL BOUNDARY
-  CITY BOUNDARY
-  SIGNIFICANT VIEWS

**MAP NO. 6**  
**SIGNIFICANT VIEWS**  
 WATERFRONT REVITALIZATION PROGRAM

PEEKSKILL, NEW YORK



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 City Planning Department  
 Peekskill, NY.

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