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 acquatic 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 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 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 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) TIE 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 BUISNESS 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 [7],
- 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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[7] 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 SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area are made consistent with 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 productions 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 water 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 present oils, grease, and detergents from reaching adjacent waters and wetlands.

(See Policies 7, 24)